

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
CRIMINAL PETITION No.11002 OF 2016
-

ORDER:

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

2. The present Criminal Petition came to be filed under Section 438 of the Code of Criminal Procedure, 1973, by the petitioners/A.2 and A.3 seeking release in the event of their arrest in Crime No.33 of 2016 of Pamarru Police Station, East Godavari District, registered for the offences punishable under Sections 448, 342, 366, 506 read with 34 IPC.

3. The case of the prosecution is that on 18.03.2016 the informant lodged a report stating that she has two sons and one daughter. Her husband expired four months prior to the incident. While her husband was alive, A.1 came to her husband and proposed to marry her daughter (victim), for which her husband did not agree as her daughter was 17 years old. But, A.1 threatened to kidnap her daughter and quarrelled with her husband. Ultimately, on 16.03.2016 at about 3:00 A.M., while the informant and her family members were sleeping, somebody knocked the door and when she opened the door, A.1 to A.4 trespassed into the house and forcibly took away the victim girl. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioners submits that the allegations in the report are all false and the petitioners have nothing to do with the offences alleged.

5. Learned Additional Public Prosecutor opposed the same contending that the statement of the victim recorded by the police amply discloses the involvement of the petitioners in the commission of the offence.

6. A reading of the statement recorded under Section 161 Cr.P.C., clearly discloses that these petitioners went into the house, put a cloth in the mouth of the informant, tied her and thereafter, forcibly kidnapped the victim girl on a motorcycle. Though the victim stated that she was not physically assaulted, her statement clearly discloses that these petitioners and others kidnapped by putting her in a fear of death. On 19.02.2016 the petitioners are alleged to have left the victim when she refused to marry A.1.

7. Having regard to the facts and circumstances of the case, it is not a case to extend the benefit of Section 438 Cr.P.C. However, the petitioners shall surrender before the concerned Court and move an application for bail after giving prior notice to the learned Public Prosecutor, in which event, the same shall be dealt with on the same day, in accordance with law.

8. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:02.08.2016

INL