

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9711 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused under Sections 437 and 439 Cr.P.C., to grant bail in Crime No.259 of 2017 on the file of the Station House Officer, Bommuru Police Station, Rajamahendravaram Urban, for the offences punishable under Sections 417 and 376 IPC.

2. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further submitted that the *de facto* complainant and the investigating officer belong to same community, therefore, the petitioner was falsely implicated in this case. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that previous two bail petitions filed by the petitioner were dismissed by this Court on the ground that the investigation is in progress. He further submitted that the investigating agency is intending to examine some more witnesses.

3. The case of the prosecution is that the petitioner sexually enjoyed the *de facto* complainant by making false promise that he will marry her. The gist of the allegations made in the complaint is that the petitioner cheated the *de facto* complainant. Basing on the complaint lodged by the *de facto* complainant, the above case was registered. The petitioner was arrested on 16.08.2017 and produced before the concerned Court for judicial custody. The

petitioner filed Crl.P.Nos.8295 of 2017 and 8938 of 2017 before this Court, and the same were dismissed on 13.09.2017 and 04.10.2017 respectively.

5. Even assuming but not conceding that the *de facto* complainant and the investigating officer belong to same community that itself is not a valid ground to grant bail to the petitioner. Previous two bail petitions filed by the petitioner were dismissed by this Court only on the ground that the investigation is in progress. Learned Additional Public Prosecutor submitted that the investigating agency is intending to examine some more witnesses.

6. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

20th October, 2017
Rns

T.SUNIL CHOWDARY, J