

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.4941 OF 2017

ORDER:

Requesting to grant regular bail under Sections 437 and 439 of the Code of Criminal Procedure, 1973, the present Criminal Petition is filed by the sole accused in Crime No.51 of 2017 of Narmetta Police Station of Warangal Commissionerate, Jangaon District, Telangana State.

2. The petitioner alleged to have committed the offences punishable under Sections 354A, 354D, 506, 447, 376 and 306 read with 511 of IPC. He was arrested and remanded to judicial custody on 26.05.2017.

3. Heard Sri C. Damodar Reddy, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel pleads innocence and false implication of the petitioner. It is according to him that police, basing on the false report given by the *de facto* complainant - victim, registered the crime, and the *de facto* complainant is motivated to harass and blackmail the petitioner. His one of the submissions is that there has been inordinate delay in lodging the FIR and that itself would expose the falsity in the allegations. It is according to him that when there is no explanation in the complaint as to why the *de facto* complainant kept quiet in lodging the report to the police despite averring that for

the past four (4) years prior to the lodging of complaint, the petitioner followed her and demanding her to fulfill his sexual desire, to which she refused stating that she was financially weak on account of death of her father and despite the same, the petitioner did not mend his behaviour and even threatened her with dire consequences that he would kill her, in case she does not accept his demand. It is, therefore, his submission that the entire investigation is completed and, therefore, the question of tampering the evidences by the petitioner does not arise and the petitioner has been in remand since 26.05.2017.

5. The learned Additional Public Prosecutor would strongly resist the request, *inter alia*, contending that it is not just a threat given by the petitioner to the *de facto* complainant - victim girl, but, in fact, taking undue advantage of absence of inmates of her house two months prior to 13.05.2017, at about 12.00 noon gained entry into her house, by abusing her in filthy language and beating her had sexual assault and threatened her with dire consequences. On account of such threat, the victim having got vexed with life, consumed pesticide poison at her agricultural well on 31.03.2017 at about 11.00 a.m. having already informed her elder sister over telephone and she was rushed to the Hospital where she was treated. Therefore, it is not a mere offence of attempt to commit suicide, but associated with heinous crime of rape and torturing the victim girl mentally for about four years even prior to the date of taking place of offence of rape.

6. Perused the material on record, case diary containing the statements of the *de facto* complainant and other relevant witnesses.

7. It is a case of commission of rape and the manner in which the petitioner gained entry into the house taking advantage of absence of inmates of the house of the victim and threatening her, beating her and then sexually assaulting her forcibly which had driven her to attempt to take the extreme step of consuming pesticide poison at her agricultural well, and but for prior information to her elder sister, she could survive. When such a heinous crime of rape is alleged to have committed as could be seen from the material on record, certainly, it is not a fit case where the petitioner can be enlarged on bail at this stage.

8. The so-called inordinate delay in lodging the FIR can only be appreciated during trial but not at this stage where the offence is a sexual assault and that too driving the victim to commit suicide. Further, mere fact that the petitioner has been in judicial remand since 26.05.2017 is no ground to enlarge him on bail as it cannot be ruled out that he would get a chance to tamper with the collection of evidences, more particularly, the victim and other relevant witnesses by threatening them. Thus, there are not merits in the present petition.

The present Criminal Petition is, accordingly, dismissed.

A. SHANKAR NARAYANA, J

July 06, 2017.
Mgr