

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4146 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.2, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.11 of 2017 on the file of the Station House Officer, Ananthagiri Police Station, Visakhapatnam District, registered for the offences punishable under Sections 307, 354(B), 354(A) (ii) read with 34 of IPC.

2. The learned counsel for the petitioner submitted that the maternal aunt of the petitioner herein lodged a complaint against the paternal uncle of the *de facto* complainant, which was registered as Crime No.10 of 2017; therefore, as a counter-blast, the *de facto* complainant filed the present case against the petitioner. He further submitted that the *de facto* complainant foisted the false case against the petitioner to wreak vengeance against the petitioner and his family members. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made against the petitioner *prima facie* constitute the offences alleged to have been committed by the petitioner; therefore, it is not a fit case to grant anticipatory bail.

3. A perusal of the record reveals that basing on the complaint lodged by the *de facto* complainant, the Station House Officer, Ananthagiri Police Station, registered a case in Crime No.11 of 2017 for the offences punishable under Sections 307, 354(B), 354(A) (ii) read with 34 of IPC against the petitioner. As per the allegations made in the complaint, on 29.3.2017, at 8.00 a.m., the

petitioner disrobed the *de facto* complainant and attempted to outrage her modesty. It is further alleged that when the *de facto* complainant made hue and cry, the petitioner pressed her neck with an intention to kill her.

4. At the time of the arguments, learned Additional Public Prosecutor representing the State submitted that the petitioner herein is accused No.1 in Crime No.9 of 2017 on the file of the Station House Officer, Ananthagiri Police Station, registered for the offences punishable under Sections 376, 313, 384, 354(C) and 420 read with 34 of IPC and Section 66 of the Information Technology Act. The record *prima facie* reveals the role played by the petitioner in the commission of the offences.

5. Taking into consideration the facts and gravity of the offences alleged to have been committed by the petitioner, I am of the considered view that it is not a fit case to grant anticipatory bail to the petitioner.

6. Hence, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

July 31, 2017
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