

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1917 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to grant pre-arrest bail to the petitioner/ A.1 apprehending his arrest in connection with Crime No.60 of 2016 of Chowdepalle Police Station, Chittoor District, registered for the offences punishable under Sections 376(2)(a)(ii) of Criminal Law Amendment Act, 2013 and Sections 313, 417, 420, 323, 506 and 509 read with 34 of the Indian Penal Code, 1860.

The case of the prosecution, in brief, is that the *de facto* complainant by name M.Aruna lodged a complaint with the SHO, Chowdepalle Police Station alleging that the petitioner fell in love with her since three years, believing her that he will marry her and participated in sexual intercourse several times with her, he took an amount of Rs.20,00,000/- and some gold ornaments promising as he will repay the same after construction of his house. When she demanded the petitioner to marry her, he beat her with hands, kicked with legs and caused dumb injuries and again the petitioner and other accused with common intention came to her house, abused in un-parliamentary language, threatened her with dire consequences at the point of knife as they will do away with her life and her family members. Thus, the petitioner being the Police Officer i.e. Sub-Inspector of Police allegedly developed illicit sexual contact with the *de facto* complainant on the promise that he will marry her, but he refused to marry after collecting huge amount and refused to repay the amount.

The *de facto* complainant was an educated women, but she did not gave any complaint as he promised to marry her. Commission of such offence by the Sub-Inspector of Police either before or after his appointment as police officer, which is a disciplined force, who has to prevent crimes and investigate into crime allegedly committed such serious offence. Therefore, he does not deserve any sympathy and such person cannot be enlarged on bail.

The petition is filed for grant of pre-arrest bail, which is purely discretionary in nature and grant of pre-arrest bail is not a matter of course, it is a matter of exception. Unless the petitioner shows that there are exceptional circumstances entitling him to claim pre-arrest bail, the court cannot grant pre-arrest bail subject to recording its satisfaction that there is no *prima facie* material to conclude that the petitioner did commit no offence and that there is no possibility of interference with further investigation.

Here the petitioner is a Sub-Inspector of Police, who can influence the witnesses and interfere with the investigation in the event he was enlarged on pre-arrest bail.

Therefore, taking into consideration the facts and circumstances of the case and the official position of the petitioner, I find that it is not a fit case to enlarge the petitioner on pre-arrest bail and hence the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M. SATYANARAYANA MURTHY, J

20.03.2017
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