

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7093 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.321 of 2017 on the file of the Station House Officer, Moinabad Police Station, Cyberabad, registered for the offences punishable under Sections 376(2)(i) and 506 IPC and Section 5(1)(ii) read with Section 6 of Protection of Children from Sexual Offences Act.

2. The learned counsel for the petitioner strenuously submitted that due to disputes, the *de facto* complainant falsely implicated the petitioner at the instance of her parents. He further submitted that the *de facto* complainant and her family members are carrying on toddy business, thereby causing inconvenience to the locality people. He further submitted that the delay in lodging the complaint by itself indicates the false version put forth by the prosecution. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner. If the petitioner is released on bail, there is every possibility to tamper the prosecution witnesses, in view of pendency of investigation.

3. As per the prosecution version, taking advantage of loneliness of Kum.Baindla Akshita (hereinafter referred as the *de facto* complainant – cum – victim), the petitioner entered into her house and committed rape on her. A perusal of the record reveals that the petitioner herein threatened the *de facto* complainant and

her family members with dire consequences, if they disclose the incident to anybody. The petitioner filed CrI.M.P.No.2894 of 2017 on the file of the Metropolitan Sessions Judge, Cyberabad, at L.B.Nagar and the same was dismissed on 07.08.2017 on the ground that the investigation is in progress.

4. A perusal of the record reveals that the petitioner was arrested on 19.07.2017 and produced before the XXII Metropolitan Magistrate, Rajendra Nagar, Hyderabad, for judicial custody. While deciding the bail applications, the Court has to consider the stage of investigation as well as the nature of the offence alleged to have been committed by the accused. As per the prosecution version, the petitioner committed rape on the victim girl, who is aged about 14 years. If the petitioner is released on bail at this point of time, the possibility of threatening the prosecution witnesses cannot be ruled out, in view of pendency of investigation.

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

6. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

17th August, 2017
Rns