

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.3150 of 2017

ORDER:

This criminal petition is filed under Sections 437 and 439 of the Criminal Procedure of Code, by the petitioner, accused No.1 in Crime No.156 of 2017 of Karimnagar Rural Police Station, registered for the offences under Sections 376 (2) (n), 376(D) and 384 IPC, to enlarge him on bail. The petitioner is in judicial custody since 24.03.2017.

The case of the prosecution is that on 22.03.2017, at about 12.00 hours one Jakkula Rupa, resident of Mankammathota, Karimnagar came to the police station and lodged a complaint alleging that she sustained loss in the private chits. She further stated that in the month of January 2015, when she went to Karimnagar II town police station, she got acquaintance with the petitioner, who is Ex-Sarpanch of Gunukula Kondapur village, through her friend Anitha, and then the petitioner got known her details and got known that her husband is working in electricity department. After three days, the petitioner along with his relative Juwaji Srinivas, who is an electrical contractor, went to her house and obtained her signatures on some cheques pertaining to contract works. Again after two days, the petitioner went to the house of the de facto complainant and on knowing her financial problems, and when she informed that she is ready to sell her house, he promised to arrange money as loan from his friend and obtained her cell number. After one week, i.e. during the last week of January 2015, the petitioner contacted the de facto complainant through mobile and summoned her to the house of Juwaji Srinivas on promising her to provide money and there, he committed rape on her forcibly and said Juwaji Srinivas closed the doors of the room and guarded the house from outside. They also threatened that the entire incident was recorded in video and if she discloses about the said incident to police or to her

husband, they will expose the video. After one month, the petitioner again made phone call to the de facto complainant and demanded two lakhs for return of the video and if she fails to provide the money, he will post the video clippings in whatsapp and facebook. On the next day she along with the amount met him and in turn he has taken her to the outskirts of Rakurthi village in a Red colour car bearing No.AP 28BJ 1703 and collected the amount from her and again committed rape on her in the same car but did not return the video pertaining to recording of rape. Later with the same blackmailing, the petitioner had taken gold chain weighing 15 grams, two rings weighing 12 grams and continuously, committed rape on the de facto complainant about 7 or 8 times under threat. Hence, she lodged the complaint.

The main contention of the petitioner is that the petitioner lent money to the de facto complaint and when he demanded for return of the said amount, she lodged the complaint making serious allegations and that the alleged incident took place in the year 2015 and now the complaint is lodged and that no medical evidence is produced and that the entire investigation is completed, and hence, he prayed to enlarge the petitioner on bail.

The learned Public Prosecutor opposed the petition on the ground that the allegations made in the complaint are serious in nature and the accused under threat of releasing video clippings in whatsapp and facebook, collected huge amount and blackmailed and raped the de facto complainant again and again and therefore, the petitioner does not deserve any sympathy and he cannot be enlarged on bail.

No doubt, the incident commenced in the month of January 2015 on different occasions and on one occasion, the petitioner called the de fact complainant to the house of his friend, and had sexual intercourse with her

against her will with the aid of his friend who closed the doors of the room and watched outside. Thereafter, he allegedly threatened the de facto complainant to post the video clippings of rape recorded, in the whatsapp and face book and under the threat he collected two lakhs and again committed rape by taking her to the outskirts in a car. The way in which the petitioner allegedly committed rape upon the de facto complainant, appears to be a blackmailing tactic, if it is true. However, no woman will stoop to such an extent that she was raped not on one occasion and more than seven occasions. There is delay in lodging the complaint but that by itself is not a ground as the de facto complainant was threatened to post the video clippings in whatsapp and facebook to the public in case she discloses to anybody. Therefore, apprehending her safety, since it is a stigma not only to her, but to the entire family, involving family prestige, she might have kept quiet.

For an offence punishable under Section 376 IPC, the delay if explained during trial, the Court can record conviction but such delay itself is not a ground to enlarge the petitioner on bail at this stage. Though entire investigation is completed, this Court is not inclined to grant bail to the petitioner, as the petitioner allegedly committed the offence, which is serious in nature and also collected huge amount under the threat of posting the video clippings in whatsapp and facebook recorded while committing rape upon the de facto complainant. Therefore, the bail application is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed.

M. SATYANARAYANA MURTHY, J

April 28, 2017.
KTL