

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6622 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 to 3, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.24 of 2017 on the file of the Station House Officer, Bazarhathnoor Police Station, Adilabad District, registered for the offences punishable under Sections 365, 376 and 506 read with 34 of IPC.

2. The learned counsel for the petitioners strenuously submitted that the victim in this case by name Tagere Pooja intentionally and willfully eloped with the petitioners; therefore, *prima facie* no case is made out against the petitioners for the offences punishable under Sections 365, 376 and 506 read with 34 of IPC. He further submitted that accused No.1 is cousin of the victim and accused Nos.2 and 3 are cousins of accused No.1, which fact was intentionally suppressed in the remand report by the Investigating Officer. He also submitted that even if the petitioners are released on bail, there is no chance of tampering with the prosecution evidence. The learned Additional Public Prosecutor representing the State submitted that the petitioners kidnapped the victim and taken her to different States, that itself indicates that the petitioners have committed the alleged offences. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. The facts leading to filing of the present criminal petition are as follows: Tagere Than Singh, who is the husband of the victim, is the *de facto* complainant in this case. The marriage of the victim

was performed with *de facto* complainant on 27.5.2017 as per their caste customs. The victim and petitioner No.1-accused No.1 belong to same village and are class-mates from their childhood. In the complaint, it is alleged that on 03.6.2017, the petitioners forcibly took the victim on Hero Hond Delux motor cycle bearing Regn.No.AP 29 AF5458 from Bhutai-B Village. The victim was first taken to Bengaluru in Karnataka State and from there to Trichur in Kerala State and the petitioners committed rape on her.

4. The petitioners filed CrI.M.P. No.569 of 2017 on the file of the Court of Principal District and Sessions Judge, Adilabad under Section 439 of Cr.P.C., and the same was dismissed on 26.7.2017 on the ground that the investigation was in progress. The fact remains that the petitioners kidnapped the victim, who is a married woman, and committed rape on her. Whether the victim went along with the petitioners voluntarily or not will come to light during the course of investigation. A perusal of the record *prima facie* reveals that the petitioners had forcibly taken away the victim to different States and committed the alleged offences. The record further reveals that the investigation is pending.

5. Taking into consideration the nature of the offences alleged to have been committed by the petitioners and the stage of the investigation, I am of the considered view that it is not a fit case to grant bail to the petitioners.

6. In the result, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 07, 2017
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