

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1814 of 2017

ORDER:

This petition is filed under Section 438 of Cr.P.C. by the petitioners/accused 2 to 6 in Crime No.1 of 2017 of Piler Police Station, Chittoor District, for the offences punishable under Sections 448, 420, 354-A, 376(1), 365, 342, 356, 384 and 506 of IPC read with Section 34 of IPC, apprehending their arrest in connection with the above crime.

The case of the prosecution, in brief, is that the de-facto complainant, G. Vijaya Lakshmi, who is a married woman, blessed with two children, who are aged about 10 years and 7 years respectively, and her husband is running an optical shop at Piler. While they were staying in a rented house at Piler, for the last 6 months, accused No.1, who completed MBBS, used to stay in their house for completing house surgeon and he is son by courtesy to the de-facto complainant but he used to misbehave and thereafter, he had sexual intercourse with her while she was in an unconscious state and thereafter, he started insisting her to come along with him, and on 07.11.2016, after her children left for school and her husband left for shop at Piler, she wore burka, took gold jewellery and clothes and went to Kurnool. From there, she was taken to Hyderabad and he kept her in a Women's hostel

and later, A.1 did not allow her to go to her house. However, she conveniently left the place and reached the house of one Lakshmi Narayana and later, her husband shifted her residence at Piler. On 10.12.2016, at about 9.30 - 10.00 a.m., the petitioners, Bandi Reddappa, Bandi Aivelu, the parents of A.1, B. Subramanyam, B. Venkata Ramana and B. Ramakrishna, came to her house, highhandedly entered into the house, while the de-facto complainant and her co-sister, by name, Vijayakumari, were there in the house, insisted on her to come along with them and created a dangerous atmosphere there. Thus, the alleged acts would attract the offences punishable under Sections 448 and 506 of IPC but the crime was registered for various offences referred to *supra*.

The main contention of the learned counsel for the petitioners is that the alleged acts would not attract the offences punishable under Sections 420, 354-A, 376(1), 365, 342, 356 and 384 of IPC, at best, it would attract Sections 448 and 506 of IPC, which are bailable, and that the name of accused No.6 was not even referred in the entire complaint but he was falsely implicated by the police.

No doubt, the alleged acts of the petitioners would directly attract the offences punishable under Sections 448 and 506 of IPC, which are bailable, and in such case, the petitioners can

approach the trial Court for obtaining bail instead, they approached this Court seeking anticipatory bail. However, the investigation is not yet completed and the statements recorded by the police during investigation disclosed involvement of the petitioners also in the instant crime and it would attract the offences punishable under Sections 448 and 506 of IPC. Therefore, it is evident that the petitioners/accused 2 to 6 sufficiently extended their aid to the first accused in eloping the de-facto complainant with him and insisted on her even to come with them to lead life with A.1, and that the act of the petitioners being elders is heinous and such persons do not deserve any sympathy. Therefore, I find that it is not a fit case to grant pre-arrest bail to the petitioners. However, it is left open to the petitioners to approach appropriate Court for regular bail in the event of their arrest.

With the above observations, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

9th MARCH, 2017.

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