

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5578 of 2017

ORDER:

This petition is filed, by the petitioner-accused, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.349 of 2017 on the file of the Station House Officer, Vanasthalipuram Police Station, Rachakonda, registered for the offences punishable under Sections 354, 504 and 506 I.P.C.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated due to business transactions between the *de facto* complainant and the petitioner. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner for the offence punishable under Section 354 I.P.C.

3. The learned Additional Public Prosecutor submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

4. A perusal of the record reveals that the petitioner and the *de facto* complainant started a business in the name and style of S.O.Cadence Engineering Consultants in the year 2013. It is the case of the prosecution that on 29.03.2016 when the *de facto* complainant and her relatives went to the office, the petitioner made an attempt to outrage her modesty by pulling her chunni.

5. The petitioner filed Crl.M.P.No.1898 of 2017 on the file of the Court of the XIII Additional Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar, Hyderabad, and the same was dismissed on 24.05.2017.

6. The learned counsel for the petitioner strenuously submitted that the petitioner was falsely implicated and the alleged incident had taken place in his house i.e., Flat No.204 and not at the office premises. The petitioner filed a copy of the partnership deed, wherein clause No.9 reads as follows:

“The principal place of business shall be at H.No. 4-12-1080/A, FLAT No.204, SAI BALAJI NEST APARTMENTS, SUSHMA SAI NAGAR, VANASTHALIPURAM, HYDERABAD - 500070. The partners may open any branch or branches or change the place of business by mutual consent from time to time.”

7. A perusal of the record *prima facie* reveals that the office is situated in the house bearing No.4-12-1080/A, Flat No.204, Sai Balaji Nest Apartments, Sushma Sai Nagar, Vanasthalipuram, Hyderabad. The petitioner has filed a letter head of the office indicating that the office was shifted to Balkampet. Whether the office is situated as mentioned in the partnership deed or not will come to light during the course of investigation. While deciding the anticipatory bail petitions, the Court has to confine itself whether there is any *prima facie* case against the petitioner or not. If this Court expresses any opinion with regard to the place of business or other aspects, the same may cause prejudice to one of the parties to the proceedings. A perusal of the record *prima facie*

reveals the role played by the petitioner in the commission of the offences.

8. Taking into consideration the nature of the offences 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 pre-arrest bail to the petitioner.

9. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 22.09.2017
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