

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8486 of 2017

ORDER:

This petition is filed, by the petitioner-accused, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.128 of 2017 on the file of the Station House Officer, Narasapuram Town Police Station, West Godavari District, registered for the offences punishable under Sections 417, 376, 354-C, 354-D, 509, 506, 384 and 306 read with 116 I.P.C.; Sections 66-A and 66-E of the Information Technology (Amendment) Act, 2008; Section 292 I.P.C.; and Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986.

2. The learned counsel for the petitioner submitted that the petitioner and the *de facto* complainant were classmates and the *de facto* complainant foisted a false case against the petitioner at the instance of her parents. He further submitted that even if the petitioner is released on bail, there is no chance of threatening the witnesses.

3. The learned Additional Public Prosecutor submitted that the investigation is in progress; therefore it is not a fit case to grant bail to the petitioner at this stage.

4. The case of the prosecution is that the petitioner and the *de facto* complainant studied in the same college and fell in love. For one reason or other, the petitioner's marriage was performed with his niece in the year 2014. It is the further case of the prosecution that even after the marriage, the petitioner is

continuing his relationship with the *de facto* complainant by making a false promise. It is also the case of the prosecution that the petitioner committed rape on the *de facto* complainant by force. The petitioner filed CrI.M.P.No.1028 of 2017 on the file of the Court of the X Additional District and Sessions Judge, Narasapuram and the same was dismissed on 04.09.2017.

5. In order to appreciate the contention of the learned counsel for the petitioner, I have carefully perused the material available on record. A perusal of the record reveals that there is an intimacy between the petitioner and the *de facto* complainant since very long time. A perusal of the record *prima facie* reveals that even after the marriage, the petitioner did not mend his behaviour. The record further reveals that the petitioner threatened the *de facto* complainant with dire consequences and enjoyed her sexually. The record also reveals that the *de facto* complainant made an attempt to commit suicide due to harassment of the petitioner.

6. The learned counsel for the petitioner submitted that the police intentionally invented the story that the *de facto* complainant made an attempt to commit suicide.

7. Whether the *de facto* complainant made an attempt to commit suicide or not is purely a disputed question of fact, which will come to light during the course of investigation. 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 as well as the gravity of the offences alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioner.

9. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 18.09.2017
Ivd

