

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4227 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 and 2, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.277 of 2017 on the file of the Station House Officer, Gajuwaka Police Station, Visakhapatnam District, registered for the offences punishable under Sections 354, 323, 509 and 506 read with 34 IPC.

2. The facts leading to filing of the present petition are briefly as follows:

On 18.04.2014 one Chinthala Sharmila lodged a complaint to the Station House Officer, Gajuwaka, who in turn registered a case in Crime No.277 of 2017 against the petitioners for the offences punishable under Sections 354, 323, 509 and 506 read with 34 IPC. The case of the prosecution is that on 18.04.2017 at about 12:00 Noon the petitioners herein entered into hotel and beat the *de facto* complainant. It is further alleged that petitioner No.1 made an attempt to outrage the modesty of the *de facto* complainant.

3. Learned counsel for the petitioners submitted that the *de facto* complainant foisted a false case against the petitioners taking advantage of the family disputes between petitioner No.2 and her husband. She further submitted that the allegations in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out against petitioner No.2 for the offence punishable under Section 354 IPC; therefore, it is a fit case to grant anticipatory bail.

4. Learned Additional Public Prosecutor for the State of Andhra Pradesh submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the

petitioners and therefore, it is not a fit case to grant anticipatory bail to the petitioners.

5. It is not in dispute that the *de facto* complaint has been working in the hotel, which belongs to husband of petitioner No.2 and father of petitioner No.1. It appears there is some dispute between petitioner Nos.1 and 2 and one Rama Rao (LW.3). The material placed before this Court *prima facie* not sufficient to establish that petitioner No.2 committed the offence punishable under Section 354 IPC. Petitioner No.2 is aged more than 45 years.

6. Taking into consideration the peculiar facts and circumstances of the case, I am of the considered view that it is a fit case to grant anticipatory bail to petitioner No.2/accused No.2 only.

7. In the result, the criminal petition is partly allowed, directing the Station House Officer, Gajuwaka Police Station, Visakhapatnam District, to release petitioner No.2-accused No.2 on bail, in the event of her arrest in connection with Crime No.277 of 2017, on executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to his satisfaction. Further, petitioner No.2 directed to comply the following conditions:

(1) She shall make herself available for interrogation by Police as and when required;

(2) She shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police Officer; and

(3) She shall not leave India without the previous permission of the concerned Court.

The criminal petition is dismissed insofar as petitioner No.1/accused No.1.

T.SUNIL CHOWDARY, J

AUGUST 01, 2017

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Date:01.08.2017

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