

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8312 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.509 of 2017 on the file of the Station House Officer, Miyapur Police Station, Cyberabad, registered for the offence punishable under Section 376(1) IPC.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further submitted that material part of investigation is completed, therefore, it is a fit case to grant bail. ***Per contra***, the learned Additional Public Prosecutor representing the State submitted that the investigation is in progress, therefore, it is not a fit case to grant bail to the petitioner.

3. The case of the prosecution is that on 01.05.2017 the petitioner committed rape on the *de facto* complainant when she was under the influence of toddy. Basing on the complaint given by the *de facto* complainant, the above case was registered.

4. The petitioner filed CrI.M.P.No.301 of 2017 on the file of the Court of XV Additional Sessions Judge, Ranga Reddy District, and the same was dismissed on 16.08.2017. The case of the prosecution is that the petitioner committed rape on the *de facto* complainant. Learned counsel for the

petitioner submitted that there is a delay of four days in lodging the complaint. Mere delay in lodging the complaint that itself is not a valid ground to discard the prosecution version, more particularly, in this type of offences. A perusal of the record reveals that the *de facto* complainant lodged the complaint after her husband returned to home. Learned Additional Public Prosecutor submitted that so far potency test of the petitioner was not conducted and the investigation is in progress. The petitioner was arrested on 22.07.2017 and produced before the Court concerned.

5. Taking into consideration the gravity of the offence 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-accused.

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

14th September, 2017
Rns

T.SUNIL CHOWDARY, J