

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2626 of 2017

ORDER:

Petitioner/accused is seeking anticipatory bail in Cr.No.74 of 2017 of Gandhinagar PS, Hyderabad which was registered for the offences under Sections 417, 420 and 376 IPC.

2) The complaint allegations are that the complainant is a folk singer in Telangana Sanskruthika Saradi and living in Mahaboobnagar district along with her husband and in that process, she joined in the team of accused as a singer; which her husband did not like and harassed her to stop singing. When she informed to accused, who is their team leader, he advised her to give divorce to her husband and join as full time singer in his team. Later, on the false promise of marriage, the accused had sexual intercourse with her and when she became pregnant and insisted for marriage, he postponed the marriage and got her pregnancy aborted thrice on a false representation that he would marry her after abortion. Later, on enquiry, it is revealed that he already got two marriages and when she questioned him, he promised that he would maintain her as third wife. She believed his promise. The complainant and accused used to reside in Tallabasti near Indira Park. The accused used to spend with her two days in a week and remaining days with his other two wives. When she questioned him about marriage, he used to postpone and ultimately betrayed her. Due to his acts she was baffled and on 03.03.2017, she

consumed sleeping pills and some one admitted her in Osmania General Hospital.

Hence, the complaint. Investigation is reported to be pending.

3) Staunchly denying the allegations, Sri P.Kesava Rao, learned counsel appearing for Mr.Allam Ramesh, learned counsel for petitioner, would submit that the accused is a respectable gentleman and folk singer since childhood and is managing the troop of singers; since last twenty years more than 50 singers worked under him and at present 10 singers are working as full time singers. While so, in the year 2010, the complainant approached him and requested for job as a singer saying that she got separated from her husband she has to take care of her daughter. Considering her plight accused admitted her in the troop as a singer. Learned counsel would further submit that complainant developed relationship with the driver of the accused by name—Sagar who was already married and started living with him and due to disputes between them the said Sagar filed a case against the complainant and subsequently due to her harassment he became a drunkard and left the job and in the year 2012 he died in a road accident in a drunken condition. Thereafter, the accused was not aware of the whereabouts of the complainant. In substantiation of his version, learned counsel produced an affidavit purported to be that of Banda Suguna w/o Banda Sagar.

a) Learned counsel would further submit that Telangana State Government established a cultural organization called Telangana Sanskruthika Saradi consisting of folk singers and the accused was appointed as one of the key persons in the said organization and at that time the complainant approached him again and requested him to help her in getting appointed in the said organization. Taking the fate of the complainant and her child, the accused got her appointed as singer in the said organization and the accused and his wife used to help the complainant in the educational needs of her daughter.

b) He would further submit that in the year 2016, accused was presented with best singer Award by the Telangana State Government and in July, 2016 the accused went to USA for American Telugu Association conference and the complainant also came along with the accused in the troop and there, she insisted the accused to marry her. The accused stoutly refused informing that he was already married and it was not fair on her part to make such request and he warned not to raise such issues with him and ever since he tried to stay away from her. In the meanwhile, the accused went to some other countries for programmes in which the complainant was not selected. She started blaming the accused that to avoid her he was not selecting her for foreign tours. While so, in March, 2017 accused was invited for Telangana Cultural Festival to be held at Atlanta organized by Greater Atlanta Telangana Society and having come to know about the same, the complainant approached the accused and requested to allow her to

be a part of the troop to Atlanta but the accused refused. Unable to bear the same, the complainant became furious and threatened that she would spoil his life and see how he would go to Atlanta without her. Later, she gave a police report with false allegations to tarnish the image of the accused.

c) To substantiate his submission, learned counsel produced copies of invitations made by American Telugu Association, Grater Atlanta Telangana Society showing the names of accused and some other artists and also photos depicting his receiving the Mementos from VIPS. Learned counsel produced the affidavit purported to be that of M.Ravinder Goud who is said to be the husband of complainant, stating that complainant is his wife and due to disputes they are living separately since 2009 and still she is his lawfully wedded wife.

4) In oppugnation, learned Additional Public Prosecutor (TG) strongly opposed the bail application and submitted that accused who is in dominant position, taking advantage of helplessness and dependency of the complainant cheated her on the false promise of marrying her and got her aborted thrice and due to his treacherous acts she tried to commit suicide also. He further submitted investigation is in nascent stage as only six witnesses are examined and charge sheet is not filed. He further submitted that if granted bail, the accused may not be available for investigation. He would thus submit that in view of gravity of offence and pending investigation bail may be refused.

5) The point for determination is:

“Whether the accused deserves pre-arrest bail?”

6) **POINT**: Admittedly, the accused was the team leader of folk singer attached to Telangana Sanskruthika Saradi, a Governmental Organization wherein the complainant also participated as a folk singer for some time. Thus, both of them were known persons to each other. It is her allegation that when she fallen off from her husband the accused with an evil eye advised her to divorce her husband and join as singer and later developed sexual intimacy with her on the false pretext of marrying her stating as if he was un-married. Later, it turned out that he already married twice and hoping that he would keep her as third wife, she continued her relationship with him and he got aborted her thrice and ultimately betrayed her. The contention of the accused is that he never had any illicit connection with the complainant and because of the fact that she was not selected for foreign tour as a member and also due to the fact that he refused her earlier proposal for having marriage with her, she foisted a false complaint.

7) Be that as it may, the statements of the residents of Indira Park, Hyderabad, who are the neighbours of the complainant reveal that accused used to visit frequently to the residential apartment of the complainant and used to stay with her for 2 to 3 days. The apartment owner of the complainant also gave similar statement. Thus,

investigation conducted so far reveals strong *prima facie* accusation against the accused. It is note worthy that once the complainant tried to commit suicide also. Investigation is in crucial stage and not yet completed. Some more witnesses, who were in the folk song team, are required to be examined by the police. In these circumstances, if bail is granted to accused, there is a possibility of his meddling with the investigation. The arguments raised by the accused no doubt need to be investigated into. However, as the matter stands, it is not a fit case to grant anticipatory bail.

9) Accordingly, this petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.



U.DURGA PRASAD RAO,J

Date: 09-06-2017
Murthy