

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9401 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A1 for the offences alleged under Sections 312, 376, 417, 420 and 506 r/w 34 IPC.

2. Heard the learned counsel for the petitioner, learned Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that there was no love affair between the petitioner and the de facto complainant. The petitioner did not force her to undergo abortion and did not administer any tablets. The petitioner did not promise to marry the de facto complainant. All the allegations are false and there is no offence under Section 376 IPC and ultimately prayed to grant bail to the petitioner under Section 438 Cr.P.C.

4. Learned Public Prosecutor opposed grant of bail to the petitioner and submits that there is record to substantiate the allegations made by the de facto complainant in the report, dated 25.09.2017 and ultimately prayed to dismiss the petition.

5. The point for determination is whether the petitioner is entitled for bail under Section 438 Cr.P.C.?

6. As per the report lodged before the police and statements of witnesses, there was illegal intimacy between the petitioner and the de facto complainant, by name Sunitha. The petitioner promised to marry her and had

sexual intercourse with her on many occasions and consequently, the de facto complainant became pregnant. On three occasions, she was threatened and ultimately convinced to go for abortion. The material available on record further reveals that the petitioner administered pills for that purpose. As per the report of the Investigating Officer, the roommates of the de facto complainant supported the prosecution case.

7. In view of the grave allegations pointed out above, it is not a fit case to grant bail to the petitioner under Section 438 Cr.P.C.

8. Accordingly, the Criminal Petition is dismissed.

DATED: 31-10-2017
Hsd

DR.SHAMEEM AKTHER, J

