

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8938 of 2017

ORDER:

This criminal petition is filed by the sole accused, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.259 of 2017 on the file of the Station House Officer, Bommuru Police Station, Rajamahendravaram Urban, for the offences punishable under Sections 417 and 376 of IPC.

2. The learned counsel for the petitioner strenuously submitted that the *de facto* complainant filed false case against the petitioner. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner for the offence under Section 376 of IPC. *Per contra*, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner.

3. The case of the prosecution is that the petitioner sexually enjoyed the *de facto* complainant by making false promise that he will marry her. The gist of the allegations made in the complaint is that the petitioner cheated the *de facto* complainant. Basing on the complaint lodged by the *de facto* complainant, the above case was registered. The petitioner was arrested on 16.8.2017 and produced before the concerned for judicial custody.

4. The petitioner filed Criminal Petition No.8295 of 2017 under Sections 437 and 439 of Cr.P.C., before this Court, and the same was dismissed on 30.9.2017 on the ground that the investigation is in progress. The learned Additional Public Prosecutor submitted that the investigation is in progress. There are no changed circumstances from the date of dismissal of Crl.P.No.8295 of 2017 till today.

5. Taking into consideration the gravity of the offence and the stage of the investigation, this court is of considered view that it is not a fit case to grant bail to the petitioner.

6. Accordingly, the criminal petition is dismissed.

October 04, 2017
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T.SUNIL CHOWDARY, J

