

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.2249 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.28 of 2017 of Chandrugonda Police Station, Bhadrachalam-Kothagudem District, registered for the offences punishable under Sections 448, 354 and 506 of IPC.

The case of the prosecution is that the *de facto* complainant – Songondi Akkalakshmi lodged a complaint on 04.02.2017 alleging that on 27.01.2017 when she was alone in the house at about 07.00 PM, the petitioner came there taking advantage of her closeness, insisted to satisfy his lust, but she refused the same. Thereupon, he attempted to rape her. Then she raised cries and thereupon, the neighbours came there and rescued her and that she disclosed the same to the neighbours. However, there is a delay and the same was explained in the complaint itself.

It is the contention of the learned counsel for the petitioner that as the petitioner earlier lodged a complaint on 28.01.2017 against Songondi Prasad and Bommakanti Srinu, they foisted the present false case through the *de facto* complainant, who are closely related to her. Thereby, the petitioner did commit no offence and prayed to enlarge the petitioner on bail.

Learned Additional Public Prosecutor opposed the application on the ground that the alleged act of the petitioner is heinous and that the material on record shows that he involved in such a crime at the age of 50.

As seen from the material on record, the petitioner lodged a complaint earlier on 28.01.2017 against S.Prasad and B.Srinu and the same is registered as case in Crime No.22 of 2017 for the offences punishable under Sections 342, 506 and 294(6) read with 34 of IPC and issued FIR. But this incident allegedly took place on 27.01.2017 i.e. one day prior to this earlier complaint, but lodged complaint after 8 days. But the delay of by itself not a ground, since, the incident involved is a family prestige and cautiously she also explained the reason for delay in the complaint itself. In such a case, the petitioner is disentitled to claim pre-arrest bail, as I found *prima facie* material to conclude that the petitioner committed an offence punishable under Section 354 of IPC. Therefore, I find no ground to grant pre-arrest bail.

Accordingly, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

22.03.2017
kvrn

M.SATYANARAYANA MURTHY,J