

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6372 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.133 of 2017 on the file of the Station House Officer, Garidepally Police Station, Suryapet District, registered for the offences punishable under Sections 417, 420, 376(2)(1)(n) and 506 IPC.

2. The learned counsel for the petitioner strenuously submitted that the petitioner was falsely implicated for the reasons best known to the *de facto* complainant. He further submitted that even if the petitioner is released on bail, there is no chance to tamper the prosecution witnesses as the case is at the stage of committal. Therefore, it is a fit case to grant bail to the petitioner. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the petitioner committed rape on the victim, who is mentally retorted person. He further submitted that the victim is a fifth month pregnant; therefore, it is not a fit case to grant bail to the petitioner.

3. The facts leading to filing of the present petition are briefly as follows: On 03.05.2017 basing on the complaint lodged by the father of the victim by name Ram Muthaiah, the Station House Officer, Garidepally Police Station, Suryapet District, registered a case in Crime No.133 of 2017 against the petitioner for the offence punishable under Sections 417, 420, 376(2)(1)(n) and

506 IPC. As per the prosecution version, the petitioner taking advantage of the loneliness of the victim, committed rape on her by making a false promise that he will marry her and later refused to marry her. Subsequently, the *de facto* complainant came to know that her daughter became pregnant. It is the further case of the prosecution that the victim is a mentally retarded girl. Taking advantage of the pathetic condition of the victim girl, the petitioner committed the alleged offence. The petitioner filed CrI.M.P.No.720 of 2017 under Section 439 Cr.P.C. before the VIII Additional District and Sessions Judge, Miryalaguda, and the same was dismissed on 11.07.2017 by assigning cogent and valid reasons.

4. Taking into consideration the nature of the offence alleged to have been committed by the petitioner, this Court is of the considered view that it is not a fit case to grant bail to the petitioner.

5. In the result, the Criminal Petition is dismissed.

2nd August, 2017
Rns

T.SUNIL CHOWDARY, J