

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6866 of 2017

ORDER:

This criminal petition is filed by the sole accused, under Section 438 of Cr.P.C., to grant pre arrest bail in Crime No.669 of 2017 on the file of the Station House Officer, Miyapur Police Station, Cyberabad, for the offence punishable under Section 354 of IPC.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated by the family members of the *de facto* complainant. He further submitted that the petitioner was in the Hospital at the time of alleged offence; therefore, it is a fit case to grant pre arrest bail to the petitioner. *Per contra*, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner; therefore, it is not a fit case to grant pre arrest bail to the petitioner.

3. The case of the prosecution is that on 29.6.2017, at about 12.00 Noon, while *de facto* complainant was attending the calls of nature, the petitioner made an attempt to outrage her modesty. Basing on the complaint lodged by the *de facto* complaint, the above crime was registered.

4. The petitioner filed CrI.M.P.No.2685 of 2017 on the file of the Court of XV Additional Sessions Judge, Ranga Reddy District, Kukatpally at Miyapur, under Section 438 of Cr.P.C., and the same was dismissed on 20.7.2017.

5. There is no material on record to prove that some altercation took place between the cousin brother of the *de facto* complainant and the petitioner on 16.6.2017 and 28.6.2017. No scrap of paper is filed to establish that the petitioner was taking treatment in the Hospital at the time of the alleged incident, as contended by the learned counsel for the petitioner. The petitioner filed a copy of the medical bill dated 29.6.2017 issued by Pranaam hospitals pvt. Ltd., Madinaguda, at about '3.11 PM' whereas the alleged incident took place at about 12.00 Noon. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of the offence.

6. 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 pre arrest bail to the petitioner.

7. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

September 08, 2017
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