

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6464 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused, under Sections 437 and 439 Cr.P.C., for grant of bail in Crime No.100 of 2017 on the file of the Station House Officer, Venkatapur Police Station, registered for the offences punishable under Sections 376 and 342 of IPC.

2. The learned counsel for the petitioner strenuously submitted that there is a delay of three days in lodging the complaint before the Police, that itself falsifies the prosecution version. He further submitted that the petitioner informed to the Police about the illicitly distilled (I.D.) liquor business of the *de facto* complainant and her husband, which is the root cause for falsely implicating him in this case. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the petitioner committed heinous crime and the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. One Azmeera Deepika is the *de facto* complainant. As per the allegations made in the complaint, during night hours of 03.6.2017, while the *de facto* complainant was returning home, after attending the calls of nature on the road side, and when she reached near the house of Siluveru Saraiah, the petitioner came there, forcibly took her to the courtyard of the house of Saraiah, by closing her mouth with the saree, and committed rape on her. It is further alleged that in that process the *de facto* complainant also sustained injury to her head. Immediately after the incident, the

de facto complainant was shifted to Government Hospital, Mulug, in 108 Ambulance, for treatment. The petitioner was arrested on 09.6.2017 and was remanded to judicial custody on the same day.

4. A perusal of the record reveals that the petitioner filed CrI.M.P. No.844 of 2017 on the file of the Court of Special Sessions Judge for Fast Tracking the Cases relating to Atrocities against Women-cum-IX Additional Sessions Judge, Warangal, under Section 439 of Cr.P.C., to enlarge him on bail. The said petition was dismissed by the Special Court on 12.7.2017.

5. As rightly pointed out by the learned counsel for the petitioner, there is a delay of three (3) days in lodging the complaint. Mere delay in lodging the complaint by itself is not a valid ground for granting of bail to the petitioner. Moreover, the prosecution has *prima facie* explained the reasons much less cogent and valid reasons for the delay in lodging the complaint. Except the oral submission of the learned counsel for the petitioner, there is no other convincing evidence to establish that there were previous disputes between the *de facto* complainant and the petitioner. It is not uncommon to put-forth this type of defences in order to strengthen the case for granting bail.

6. The learned Additional Public Prosecutor submitted that the investigation is in progress. He further submitted that if the petitioner is released on bail, the possibility of threatening the *de facto* complainant cannot be ruled out completely. The crime alleged to have been committed by the petitioner is heinous one.

7. Taking into consideration the nature of the offence alleged to have been committed by the petitioner as well as the stage of the investigation, I am of the considered view that it is not a fit case to grant bail to the petitioner.

8. Hence, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 03, 2017
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