

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4861 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.4, under Section 438 of Cr.P.C., seeking pre arrest bail in Crime No.183 of 2016 on the file of the Station House Officer, Achampet Police Station, Mahaboobnagar District.

2. The learned counsel for the petitioner submitted that the petitioner has nothing do to with the love affair of accused No.1 and the victim. She 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; therefore, it is a fit case to grant pre arrest bail to the petitioner. ***Per contra***, learned Additional Public Prosecutor submitted that the investigation is in progress; therefore, it is not a fit case to grant pre arrest bail to the petitioner.

3. It is the case of the prosecution that on 01.11.2016 accused No.1 taken away Kum.Donthu Soujanya (hereinafter referred to as, the victim) from the custody of her parents. With the help of accused Nos.2 and 3, accused No.1 and victim had stayed in different places. The further case of the prosecution is that at the instigation of the petitioner herein, accused No.1 kidnapped the victim and committed rape on her.

4. The petitioner filed CrI.M.P.No.197 of 2017 on the file of the Court of I Additional Sessions Judge, Mahabubnagar, under Section 438 of Cr.P.C., and the same was dismissed on 11.4.2017.

5. Initially, basing on the complaint lodged by the father of the victim, the Police registered the case as girl missing. After tracing out the victim, Sections 366 376(2)(i), 212 read with 109 of IPC and Section 5(1) read with 6 of the Protection of Children from Sexual Offences Act, were added.

6. A perusal of the record reveals that the victim is aged about 15 years and studying 10th class. The *de facto* complainant is the natural guardian of the victim. The record reveals that the victim was taken away by accused No.1 from the lawful custody of the *de facto* complainant. A perusal of the record *prima facie* reveals the role played by the petitioner in commission of the offences. The investigation is in progress. As rightly submitted by the learned Additional Public Prosecutor, if the petitioner is released on bail, the possibility of interfering with the investigation cannot be ruled out completely.

7. Taking into consideration the nature of offences alleged to have been committed by the petitioner and the stage of investigation, this court is of considered view that it is not a fit case to grant pre arrest bail to the petitioner.

8. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 30, 2017
YS