

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3777 of 2017

ORDER:

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C. filed by the petitioner-Accused seeking bail.

On the complaint given by the complainant, police registered a case in Cr.No.588 of 2017 of K.P.H.B.Colony, Police Station, for the offences punishable under Sections 376, 417 and 420 I.P.C. against the accused and investigation in this case is reported to be pending.

The brief facts of the case are as follows:

The victim girl is the daughter of L.Ws.2 and 3 and is a resident of K.P.H.B.Colony.

Initially, the accused was classmate of victim while they were studying 5th class at Visakhapatnam. Later, her friendship got developed in 2014 through Whatsapp school group. While, the accused was working in INFOSYS, and the victim was working in SYNTEL and they became closer and the accused got transferred to Hyderabad in May, 2015 and residing in a sharing room in Delux Colony at Tolichowki, Hyderabad. The victim was also working in Gachibowli and that is how their friendship grew. In October, 2015, the accused proposed love with the victim and promised to get her married. Believing his words, the victim accepted his proposal and thereafter, they continued their physical relationship for some time. Upon her request, the accused met the parents of the victim and

informed about their love, on that they agreed for the marriage, but his parents did not accept and blamed the victim as if she trapped their son to the marriage. Thereafter, the accused requested the victim to wait for sometime and he suddenly, started avoiding her and trying to get marry another woman and so he kept the victim in dark and fixed the marriage with another girl on 21st May, 2017. In the meanwhile, the victim gave complaint to the police and the accused was arrested on 11-5-2017 and proposed marriage could not be performed.

The investigation is reported to be pending.

Seeking for bail, learned counsel for the petitioner by opposing the complaint allegations, would submit that the complaint allegations, even if accepted, no charge under Section 376 of I.P.C. is maintainable in as much as they would reveal that victim had a promiscuous cohabitation with the accused and there was no forcible act committed by the accused.

The learned Additional Public Prosecutor would submit that it is a case of cheating a young girl with false promise of marriage and inducing her to participate in sexual intercourse for a long period and as such, the accused is liable for charges leveled against him. He further submits that the investigation is still pending and thus, prayed to dismiss the petition.

A perusal of the complaint allegations would go to show a prima facie accusation in as much as the petitioner and the victim

got acquaintance since their childhood and it grew up while they were working in Pune. On inducement made by the petitioner, it appears the victim had participated in sexual intercourse with him.

As the matter stands, in view of grave allegations and investigation being in the preliminary stage, it is not a fit case to grant bail to the petitioner at this stage.

Hence, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dated 2-6-2017.

Dvs

U.DURGA PRASAD RAO,J



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