

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.9978 of 2017

ORDER:

This petition is filed, under Sections 437 and 439 Cr.P.C., by the petitioner-sole accused in Crime No.439 of 2017 on the file of the Station House Officer, Shadnagar Police Station, Cyberabad, for the offences under Sections 420, 417, 506 and 376 IPC and Sections 3(1)(G)(S) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The learned counsel for the petitioner submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner for the offence under Section 376 of IPC. *Per contra*, learned Additional Public Prosecutor submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. The case of the prosecution is that the petitioner made a false promise to the *de facto* complainant that he will marry her and enjoyed her sexually due to which she became pregnant. Thereafter, the petitioner refused to marry her on the ground that she belongs to a scheduled community. Basing on the complaint lodged by the *de facto* complainant, the above case was registered.

4. The petitioner filed CrI.M.P.No.1527 of 2017 on the file of the Court of the Metropolitan Sessions Judge-cum-Special Judge for

trial of N.D.P.S. Cases, Vijayawada, and the same was dismissed on 05.10.2017.

5. As per the allegations made in the complaint, the petitioner developed intimacy with the *de facto* complainant and when she became pregnant, the petitioner refused to marry her as she belongs to a scheduled caste. Even as per the statement of the petitioner recorded under Section 164 Cr.P.C., he developed illicit intimacy with the *de facto* complainant. The fact remains that the *de facto* complainant gave birth to a male child. A perusal of the record reveals that the Investigating Officer has not received the D.N.A. report. The record further reveals that the investigation is in progress.

6. Taking into consideration the facts and circumstances of the case, I am of the considered view that it is not a fit case to grant bail to the petitioner.

7. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

October 27, 2017
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