

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10640 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A5 for the offence alleged under Section 306 r/w 511 IPC

2. Heard learned counsel for the petitioner-A5, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A5 would submit that all the allegations made in the F.I.R. and the statement of victim recorded under Section 164 (5) Cr.P.C. are false and this petitioner-A5 is falsely implicated in this case. The victim is alive and doing well and ultimately prayed to allow the petition.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A5.

5. The material placed on record reveals that on 19.11.2016, early in the morning, the victim went to the field to water the same, situated at the outskirts of Meedikonda village. After switching off the electric motor, when she was returning home, at about 0400 hours, A1 to A4 wrongfully restrained her at Morrumgadda agricultural land. A2 caught hold of her hair and made her to lay on the ground in the agricultural field. A3 had disordered her by removing her saree. A4 has tightly caught hold of her hands. A1 cut her blouse with a blade. Later all the accused Nos. 1 to 4 committed sexual assault on her by biting her body. Victim is a widow. Thereafter, on the same day when she went to her house, the petitioner-A5

went to her house scolded her in filthy language and also beat her by catching her hair. Having remembered the morning incident etc., she poured kerosene on her and set ablaze.

6. As per the records produced, the victim suffered 45% burns. There is direct involvement of the petitioner-A5 in the alleged offence. The manner in which the victim was abused, sexually assaulted by the other accused. The acts alleged against the petitioner-A5 are of serious nature, which ultimately driven the victim to pour kerosene and set ablaze and made an attempt to commit suicide.

7. In view of gravity and seriousness of the offence and specific role played by the petitioner-A5 for the occurrence of this incident, it is not a fit case to grant bail to the petitioner under Section 438 Cr.P.C.

8. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 14-11-2017

Hsd