

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.10580 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in the event of his arrest in connection with Crime No.354 of 2017 on the file of the Sircilla Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 354 and 354-d of I.P.C.

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

3. The learned counsel for the petitioner/accused would submit that the petitioner/accused and the de-facto complainant were in love for three years and he used to pick up and drop her at her school. The offences alleged is punishable with imprisonment for two years only. The police are not intending to extend the benefit of Section 41-A of Cr.P.C. to the petitioner/accused and ultimately prayed to allow this petition.

4. The learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner/accused and also opposed for issuance of notice under Section 41-A of Cr.P.C.

5. The de-facto complainant – Sangeetha lodged a report on 06.10.2017 with the Station House Officer, Sircilla Police Station, stating that she is a Government employee working in Primary School. She used to go to the internet centre at Sircilla on her personal work.

The said internet centre is being run by the petitioner/accused. The petitioner/accused was frequently calling her on her mobile number. Taking advantage of her acquaintance, the petitioner/accused sent her obscene messages and also threatening her. In spite of her objection, the same acts are being repeated by the petitioner/accused. Further, the petitioner/accused threatened her and forcing her to marry him and also threatened to kill her. On 05.10.2017, when the de-facto complainant was standing at the bus stand in order to go to Veernapalli, the petitioner/accused used criminal force on her, tried to take her into his shop, snatched her mobile phone and exchanged her private photos and screenshots and fed them in his computer and started sending her obscene messages. Then, she went to the school and returned back and collected her mobile phone. The petitioner/accused did not stop threatening her. Her prestige in the society has come down.

6. As seen from the report lodged by the victim, the allegations are grave. The matter requires investigation. The petitioner/accused has filed the photographs before this Court to show that there was love affair between him and the de-facto complainant. In view of the gravity of the offences and the allegations levelled, it is not a fit case to grant bail under Section 438 of Cr.P.C. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

09th November, 2017
Bvv