

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11288 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A1 for the offences alleged under Sections 417, 420 and 506 IPC.

2. Heard learned counsel for the petitioner-A1, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A1 would submit that the allegations levelled against the petitioner-A1 are false. The de facto complainant did not give her correct name and also her correct residence. There is no illegal relationship between the petitioner-A1 and the de facto complainant. The de facto complainant is in the habit of demanding money and harassing the petitioner-A1. Wife of the petitioner-A1 has also lodged an application before the Legal Services Authority, where the de facto complainant is making her appearance and ultimately, prayed to allow the petition.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A1.

5. The material placed on record reveals that the petitioner-A1 developed acquaintance with the de facto complainant in the year 2014 and introduced himself as Police Constable, working in Anakapalli Police Station. His wife passed away and he has no children. He would treat the de facto complainant as his wife and her daughter as his daughter and developed illegal physical contacts with

her. Thereafter, the de facto complainant came to know that the petitioner-A1 was already married person having children. Then, she refused the company of the petitioner-A1. Thereafter, the petitioner-A1 started black-mailing the de facto complainant stating that he has taken her videos when they were in sexual act. The petitioner-A1 also threatened that he would rape her daughter. In that process, he collected an amount of Rs.1,00,000/-. The allegations are specific and grave.

6. Having regard to the nature of allegations and the material collected so far, it is not a fit case to allow the application under Section 438 Cr.P.C. as there is possibility of the petitioner-A1 threatening the witnesses and causing disappearance of material witnesses.

7. Accordingly, the Criminal Petition is dismissed.

DATED: 27-11-2017
Hsd

DR.SHAMEEM AKTHER, J