

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.10306 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 Crime No.376 of 2017 on the file of the Gajuwaka Police Station, Visakhapatnam District, registered for the offences punishable under Sections 376, 354(c), 506 of I.P.C. and Section 67-A of the I.T. Act, 2000-2008.

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 report in this case was lodged after 10 months of the alleged offence. The parties have compromised the matter and there is a Memo of understanding to that effect. A quash petition was also filed. The allegations mentioned in the report given to the police are utterly false and ultimately prayed to grant bail to the petitioner/accused.

4. On the other hand, the learned Additional Public Prosecutor opposed the bail application stating that there is ample evidence on record to believe the version of prosecution and that the petitioner/accused is not entitled for anticipatory bail.

5. The material available on record would reveal that the petitioner/accused has got acquaintance with P.Sagarika. She

kissed her. He recorded the same in the mobile phone. Thereafter, he started threatening her. He forced her to come to a lodge. There, he had sexual intercourse with her. The photographs were taken by one more person. Due to this, the husband of the de-facto complainant deserted her. The accusations against the petitioner/accused for the offences punishable under Sections 376, 354(c), 506 of I.P.C. and Section 67-A of the I.T. Act, 2000-2008 are pending investigation. The details of the cell phone cannot be taken into consideration at this stage. Even lodging of report after ten months from the date of alleged offence cannot be a criteria to grant bail to the petitioner/accused. Under these circumstances, this Court is not inclined to grant anticipatory bail to the petitioner/accused.

6. In the result, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

03rd November, 2017
Bvv