

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10252 of 2017

ORDER:

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

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner/accused in Crime No.39 of 2016 of Inavilli Police Station, East Godavari District, for the offences punishable under Sections 417, 420 and 376 IPC.

Learned counsel for the petitioner/accused would submit that all allegations made in the report lodged before the police on 27.02.2016 are false. There is no love affair between the petitioner and the de facto complainant. No panchayat was held as reported to the police. The petitioner did not promise to marry the de facto complainant and ultimately, prayed to grant bail to the petitioner/accused.

On the other hand, learned Additional Public Prosecutor would submit that the petitioner had sexual intercourse with the de facto complainant. Her consent for sex was obtained by promising to marry her. It is by deception. When the petitioner did not marry her, she made an attempt to commit suicide by

consuming pesticide. It is not a fit case to grant bail to the petitioner/accused under Section 438 Cr.P.C.

The report lodged with the police reveals that there was love affair between the petitioner and the de facto complainant and the petitioner promised to marry her before, he had sexual intercourse. On number of occasions, both were caught red-handed. In the panchayat held before the elders, parents of the petitioner also agreed to perform the marriage between the parties. Thereafter, no such marriage was performed. The point whether Section 376 IPC has application to the case on hand or not cannot be decided in this Criminal Petition and it can only be decided after due trial. Further, as per the record placed before this Court, the allegations are grave and gravity of offence is also severe. It is not a fit case to grant bail to the petitioner/accused under Section 438 Cr.P.C.

In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

2nd NOVEMBER, 2017.

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