

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE SIXTH DAY OF DECEMBER, TWO THOUSAND AND SEVENTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER**

CRLP .No. 11773 of 2017

Between:-

- 1.Rongala Mahesh Kumar, S/o. Rongala Venkata Ramana Murthy
- 2.Ruttala Veera Vekata Satyanarayana, S/o. Ruttala Venkata Renkat Rao
- 3.Ruttala Pavani, W/o. Ruttala Veera Venkata Satyanarayana
- 4.Varri Vijay Kumar Babu, S/o. Ruttala Venkat Rao
- 5.Varri Sridevi, W/o. Varri Vijay Kumar Babu,
- 6.Rongala Kishore Kumar, S/o. Ramana

..... Petitioners/Accused Nos. 1 to 6

AND

State of Andhra Pradesh, rep. by its Public Prosecutor,
High Court of Judicature at Hyderabad, For the State of Telangana and the
State of Andhra Pradesh.

...Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition and grounds thereof, the High Court may be pleased to grant anticipatory bail to the petitioners in the event of their arrest by the Police in Crime No. 296 of 2017, dt. 28.09.2017 on the file of the Police Station at Duvvada, Visakhapatnam City.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri S. Madhava Rao, Advocate for the Petitioners and the Addl. Public Prosecutor(AP) for the Respondent-State, the Court made the following

ORDER :-

“Heard learned counsel for the petitioners/A.1 to A.6, 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 petitioners/A.1 to A.6 in Crime No.296 of 2017 of Duvvada Police Station, Visakhapatnam District, for the offences punishable under Sections 417, 420 and 376 IPC read with Section 34 IPC.

Learned counsel for the petitioners would submit that the petitioners are innocent and falsely implicated in this case. He further contended that no marriage had taken place and no money was taken as dowry. Having come to know the conduct of the mother of the bride, the petitioners had not proceeded with the marriage of A.1 with the de facto complainant. He also contended that the provisions of Sections 417, 420 and 376 IPC read with Section 34 IPC have no application to the case on hand.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioners contending that A.1 had withdrawn Rs.70,000/- from the account of the de facto complainant by using her ATM card.

Contd.2...

The material on record reveals that the marriage of the de facto complainant was settled with A.1-R.Mahesh Kumar. For settlement of marriage, A.1 has taken A.2 and A.3 to the house of de facto complainant and convinced her parents for their marriage and agreed to take Rs.5,00,000/- towards dowry, some gold and other properties. Thereafter, A.1 took the petitioners/A.4 to A.6 to the house of de facto complainant and engagement ceremony was performed. There was some disturbance during engagement ceremony. After getting engaged with the de facto complainant, it is alleged that A.1 forcibly committed sexual act with the de facto complainant against her consent/will. He has taken the ATM card of the de facto complainant and withdrawn Rs.70,000/-. As far as the petitioners/A.2 and A.3 are concerned, they have participated in the pre-marital talks and A.4 to A.6 participated in the engagement ceremony held on 09.08.2017. So, the allegations against the petitioners/A.2 to A.6 can only be determined after due trial. In view of specific and grave allegations of sex act levelled against the petitioner/A.1, it cannot be said that he is falsely implicated in this case. So, he is not entitled for bail under Section 438 Cr.P.C. Considering the gravity and nature of the allegations against the petitioners/A.2 to A.6, they are entitled for bail under Section 438 Cr.P.C.

Having regard to the above, the petitioners/A.2 to A.6 are directed to surrender before the Station House Officer, Duvvada Police Station, Visakhapatnam, within 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/A.2 to A.6 on bail, on each of them executing a personal bond of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioners/A.2 to A.6 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. Further, they shall attend before the said Station House Officer on every Sunday between 9.00 and 10.00 a.m. till filing charge sheet.

In the result, the Criminal Petition is allowed in part.”

//TRUE COPY//

ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

- 1.The VI Additional District Judge-cum-Sessions Judge, Mahila Court, Visakhapatnam.
- 2.The Station House Officer, Duvvada Police Station, Visakhapatnam City.
- 3.Two CCs to Public Prosecutor(AP), High Court of Judicature at Hyderabad.
(OUT)
- 4.One CC to Sri S. Madhava Rao, Advocate(OPUC)
- 5.One spare copy.

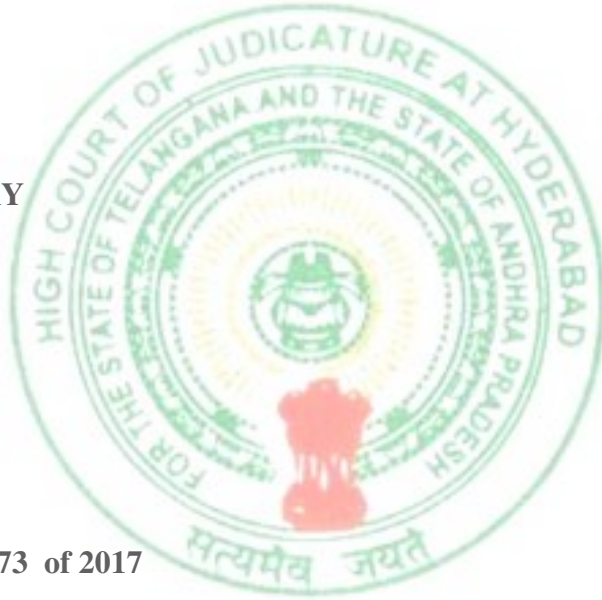
TKK

HIGH COURT

DR.SA.J

DT.06-12-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 11773 of 2017

**RELEASE THE PETITIONERS/ACCUSED 2 TO 6
ON BAIL IN THE EVENT OF
THEIR ARREST.**

**DRAFTED BY TKK
DT.07-12-2017.**

HIGH COURT

DR.SA.J

DT.06-12-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 11773 of 2017

**RELEASE THE PETITIONERS/ACCUSED 2 TO 6
ON BAIL IN THE EVENT
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