

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11698 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.988 of 2017 on the file of the Banjarahills Police Station, Hyderabad District, registered for the offences punishable under Sections 417, 420, 493 of I.P.C.

2. Heard Sri T.Niranjan Reddy, learned senior counsel appearing for Sri T.Nagarjuna Reddy, learned counsel for the petitioner/accused, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned senior counsel appearing for the petitioner/accused would submit that the de-facto complainant is a foreign return woman. She worked in USA for 12 years. Thereafter, she came to India and developed friendship with the petitioner/accused. Later, there was sexual intercourse between the parties. The petitioner/accused has not suppressed any material information with regard to his first marriage. The petitioner/accused did not make the de-facto complainant believe that she is his lawfully wedded wife. There is no element of cheating. Therefore, no offence is made out for Sections 417, 420 of I.P.C. No *prima facie* case is made out for the offence punishable under Section 493 of I.P.C. The petitioner/accused is working as Senior Executive Engineer in Gallium Arsenide

Enabling Technology Centre, DRDO, Ministry of Defence, Government of India. The petitioner/accused is ready and willing to abide by any conditions that may be imposed by this Court and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused stating that the petitioner/accused deceived the de-facto complainant without disclosing his earlier marriage. Under the guise of making the de-facto complainant to wear a ring, the petitioner/accused had sexual intercourse with her on several occasions. Both the petitioner/accused and the de-facto complainant visited several places. Consequently, the de-facto complainant became pregnant, went into depression and the pregnancy was terminated. There is ample record to show the constitution of offence under Section 417, 420 and 493 of I.P.C. It is not a fit case to allow the petition and ultimately prayed to dismiss the application.

5. The material on record reveals that the de-facto complainant G.Manikya Veena, is a post graduate in Master of Business Administration. She worked for a period of 12 years in USA. Thereafter, she returned to India. She started her own business. She met the petitioner/accused. The petitioner/accused took her cell phone number and started sending messages to her. The petitioner/accused met the de-facto complainant often and introduced himself as a Scientist working in DRDO and then, he revealed that he is interested to

marry her and also stated that she can settle down in India with him. The petitioner/accused stated to the de-facto complainant that his parents are living in New Delhi, he has unmarried sisters, they will not accept their marriage and that once they get married, his parents will automatically accept the de-facto complainant as their daughter-in-law. Thereafter, the petitioner/accused took the de-facto complainant to a temple, gave her a ring and stated that marriage between him and the de-facto complainant is performed and he will inform about the marriage to his parents later. Thereafter, the petitioner/accused had sexual intercourse with the de-facto complainant on several occasions. The petitioner/accused had also taken the de-facto complainant on tour to several places at her expenses, stating that he has financial constraints, made her to spend huge money and ultimately one day, he revealed that he is already married and convinced her that his first wife is living in New Delhi and that she does not want to stay in Hyderabad and that he is planning to take divorce from her. In the said process, he took an amount of Rs.1,00,000/- from the de-facto complainant and filed a divorce petition in O.P.No.9059 of 2017 on 25.09.2017 before the Family Court, Ranga Reddy District, under Section 13(i)(a) of Hindu Marriage Act, seeking divorce from his first wife. When the first wife of the petitioner/accused refused to give divorce to the petitioner/accused, he deserted the de-facto complainant, did not lift her calls and made it clear that he is not interested in the de-facto complainant, abused her in filthy language and necked her out from his house. Further, the

petitioner/accused threatened the de-facto complainant that if she resorts to give a complaint, he would do away with her life and threatened further stating that he would destroy her family. Having understood that she was deceived, the de-facto complainant ultimately lodged a report with the police on 28.10.2017. Basing on the said report, the police have registered the instant crime and the same is under investigation.

6. There are specific and grave allegations against the petitioner/accused with regard to deceiving the de-facto complainant under the guise of marriage, having sexual intercourse on several occasions, making her pregnant and suppression of the fact about his earlier marriage with another woman. Under these circumstances, it cannot be said that the petitioner/accused is an innocent person and falsely implicated in the case and that the provisions of Sections 417, 420 and Section 493 of I.P.C. has no application to the instant case. Petitioner/accused working as Senior Executive Engineer at Gallium Arsenide Enabling Technology Centre, DRDO, Ministry of Defence, Government of India cannot be a ground to allow this application. When the petitioner/accused is holding such a responsible post, he could have acted in a responsible manner and ought not to have sexually exploited the de-facto complainant under the guise of marriage, without disclosing his earlier marriage and ought not to have secured Rs.1,00,000/- as hand loan from the de-facto complainant and made her to spend huge amount on him. Viewed from any angle, it is not a fit case to allow this application under Section 438 of Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

12th December, 2017
Bvv

