

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3241 OF 2018

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner, who is arrayed as sole accused in Crime No.72 of 2018 of Gajuwaka Police Station, Visakhapatnam City, apprehending his arrest in connection with the above Crime, registered for the offences punishable under Sections 417, 420, 376, 403, 497, 500 and 506 R/w.34 of I.P.C. and Sections 66-E and 67 of the Information Technology Act, 2000.

2. Heard, the learned counsel for the petitioner, learned Public Prosecutor (A.P.) appearing for the respondent-State, and perused the record.

3. The case of the prosecution, in brief, is that the petitioner, being a neighbour of the de-facto complainant, promising her to provide a job to her son, took them to a hotel at Hyderabad; wherein, two persons came to the hotel, one of whom showing his identity card as if he is an employee in Secretariat, collected an amount of Rs.5,00,000/- from the de-facto complainant and subsequently, in the absence of her son, the petitioner made her fell unconscious, took her nude videos and sexually enjoyed her. When the de-facto complainant regained consciousness and questioned the alleged act of the petitioner, he threatened her to exhibit her nude videos to others and so saying sexually enjoyed the de-facto complainant several times and totally collected a sum of Rs.15,00,000/- and 8 tulas of gold from her. Subsequently, the petitioner enjoyed the de-facto complainant by taking her to several places and used to beat her on trivial issues and, thus, harassed the de-facto complainant physically and mentally. Thus, the petitioner allegedly committed a heinous crime against the woman and now seeking pre arrest bail apprehending his arrest in connection with the above crime.

4. Learned counsel for the petitioner submits that the petitioner is an innocent and law abiding citizen and he is not concerned with the offence, never promised to provide any job to the son of the petitioner and as such never took

them to the hotel at Hyderabad and sexually enjoyed the de-facto complainant and, hence, prayed to allow this Petition.

5. On the other hand, learned Public Prosecutor (A.P.), appearing for the respondent-State, opposed the Petition on the ground that the investigation is not completed and the offences allegedly committed by the petitioner are serious offences and, finally, prayed to dismiss the Petition.

6. As per the material available on record, *prima-facie*, it appears that the petitioner promising to provide job to the son of the de-facto complainant collected Rs.5,00,000/- from her, took her to Hyderabad, and in the absence of her son, enjoyed her sexually by taking her nude videos and photographs and also threatened to make her nude videos and photographs public if she discloses the same to any one. Moreover, the investigation is not completed in this case.

7. Taking into consideration the gravity of the offences and the manner of the offences, *prima-facie*, material against this petitioner, it can be concluded *prima-facie* that the petitioner indulged in a heinous crime against a woman. Hence, if anticipatory bail is granted to the petitioner, there is every chance of his winning over the witnesses and hamper the investigating process. Hence, the Criminal Petition is dismissed.

In consequence, miscellaneous petitions, if any, pending in this Petition shall also stand dismissed.

Date: 27.03.2018.
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M.SATYANARAYANA MURTHY, J

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

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CRIMINAL PETITION No. 3241 OF 2018

Date. 27.03.2018

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