

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 3826 OF 2018

ORDER:

This petition is filed, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), for grant of anticipatory bail to the petitioners-accused Nos. 1 to 3, 7 and 8 in Crime No. 639 of 2017 of Panjagutta Police Station, Hyderabad City, registered for the offences punishable under Sections 354, 448, 509 and 120-B read with Section 34 IPC and read with Section 156 (3) Cr.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor (T.S.).

3. The case of the prosecution in brief is that the *de facto* complainant and the accused are related to each other; that the husband of the *de facto* complainant had Ac. 3.00 guntas of agricultural land in Toopran Village and he sold the same; that as per the terms and conditions, the share of accused Nos. 4 and 5 was transferred to their accounts directly from the purchaser and that with a *mala fide* intention to knock away the amount received by the husband of the *de facto* complainant, on 04-06-2017 at about 8.30 p.m., accused Nos. 1 to 8 conspired together and knocked the door of house of the *de facto* complainant, forcibly entered the house, threatened her with kitchen knife, accused Nos. 1 to 3 fondled her, pulled her duppatta, accused Nos. 4 to 6 slapped her and accused Nos. 7 and 8 hit on her arms, pulled her shoulder and when she raised cries, accused No. 1 threatened her and accused Nos. 7 and 8

abused her in filthy language, threatened her with dire consequences and pushed her to the ground, due to which she fell down.

4. Learned counsel for the petitioners submits that petitioner No. 1 is aged 70 and petitioner No. 2 is a Government employee, against whom there is no specific allegation to attract any of the offences; that there are civil disputes between the parties which led the *de facto* complainant to file the present complaint and that some of the other accused are already enlarged on bail and therefore requested this Court to release the petitioners applying the principle of parity.

5. Learned Public Prosecutor opposed the petition on the ground that investigation is not completed in this case yet.

6. As seen from the complaint, there are specific allegations against the petitioners to attract the abovementioned offences. The earlier bail application of the petitioners filed along with accused Nos. 4 to 6 was dismissed by order dated 20-03-2018 in CrI.M.P.No. 692 of 2018 on the file of the Court of I Additional Metropolitan Sessions Judge, Hyderabad, insofar it relates to the petitioners while accused Nos. 4 to 6 are ordered to be released on bail in the event of their arrest. The main allegation made against petitioner Nos. 1 to 3 is that they misbehaved with the *de facto* complainant by pulling her Dupatta which is nothing but outraging her modesty. This allegation is suffice *prima facie* to point out the complicity of petitioner Nos. 1 to 3. The allegations made against petitioner Nos. 4 and 5 are that they hit the *de facto* complainant on her forearm, pulled her shoulder

and abused her in filthy language. In view of the specific overt acts attributed against the petitioners and considering the stage of investigation, the petitioners cannot be enlarged on bail basing on the principle of parity and the criminal petition is liable to be dismissed.

7. The criminal petition is accordingly dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

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M.SATYANARAYANA MURTHY, J.

09-04-2018.

JSK

