

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO: 4187 OF 2018

Between:

Dasari @ Kovuru Malleswaraiah,

Petitioner/Accused No. 2.

AND

The State of Andhra Pradesh, Rep., by its Public Prosecutor, High Court at Hyderabad
Through the Station House Officer, Chilakur Police Station, SPSR Nellore District

Respondent/Complainant

Petition under Section 437/439 of Cr.P.C, praying that in the circumstances stated in the petition and memorandum of grounds filed in the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused No.2 on bail in Crime No. 199 of 2017 of Chilakur Police Station, SPSR Nellore District.

The petition/Appeal coming on for hearing, upon perusing the Petition and the memorandum of grounds filed herein and upon hearing the arguments of KAMBHAMPATI RAMESH BABU, Advocate for the Petitioner and of PUBLIC PROSECUTOR (AP) for the Respondent, the Court made the following.

ORDER:

CRIMINAL PETITION No. 4187 OF 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioner-accused No. 2 in Crime No. 199 of 2017 of Chillakur Police Station, SPSR Nellore District, registered for the offences punishable under Sections 376, 417, 493 and 312 read with Section 34 of IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor (A.P.).

3. The case of the prosecution in brief is that the petitioner is the elder brother of accused No. 1 who is the prime accused who allegedly committed rape of the *de facto* complainant and the allegation against the petitioner is that he was responsible for forcible miscarriage of pregnancy of the *de facto* complainant.

4. Learned counsel for the petitioner submits that the petitioner did commit no offence much less the above offences and that he has been languishing in jail since 04-03-2018.

5. As seen from the material on record, the petitioner along with the other accused allegedly forced the *de facto* complainant to get aborted. Major part of investigation is completed in this case.

6. Taking into consideration the facts and circumstances of the case and considering the role played by the petitioner, this Court is inclined to grant bail to the petitioner.

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7. The petitioner-accused No. 2 is directed to be enlarged on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the learned Additional Judicial Magistrate of I Class, Gudur, SPSR Nellore District.

8. The criminal petition is accordingly allowed. Pending miscellaneous petitions if any shall stand closed in consequence.

Sd/- K. JAGAN MOHAN
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The VI Additional District & Sessions Judge, Nellore.
2. The Additional Judicial Magistrate of I Class, Gudur, SPSR Nellore District.
3. The Station House Officer, Chillakur Police Station, SPSR Nellore District
4. The Superintendent, Sub Jail, Gudur, SPSR Nellore District
5. One CC to SRI. KAMBHAMPATI RAMESH BABU, Advocate [OPUC]
6. One CC to SRI. PUBLIC PROSECUTOR (AP) [OPUC]
7. One spare copy

Tvr



HIGH COURT

MSMJ

DATED:17/04/2018

ORDER



CRLP.No.4187 of 2018

ALLOWED