

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.5455 of 2018

ORDER:

This petition is filed by the petitioner—sole accused, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.53 of 2018 on the file of the Station House Officer, Dharmasagar Police Station, Warangal District, for the offences punishable under Sections 363, 376(2)(i) of IPC and Section 3 read with 4 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that on 23.2.2018, Vemula Lavanya-victim girl, aged 15 years, went to her material uncle's house at Unikicherla village on the eve of Durgamma festival. On the same day, at about 01.00 pm, the petitioner forcibly took the victim girl to the outskirts of the village, on a motor cycle bearing No.AP 15 AL 4251, and committed rape on her. Thereafter, the petitioner took victim girl to his relatives' house at Hanamkonda and detained her. On 02.3.2018 the petitioner dropped victim girl at RTC bus station, Hanamkonda and fled away. Basing on the complaint lodged by the father of victim girl, on 03.3.2018, the concerned Station House Officer registered the above referred crime.

3. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further submitted that the victim girl willfully and voluntarily accompanied the petitioner; therefore, it is a fit case to grant bail to the petitioner. *Per contra*, learned Public Prosecutor representing the State strenuously submitted that the investigation is in progress.

4. A perusal of the record reveals that the petitioner was arrested on 03.3.2018 and remanded to judicial custody. The petitioner filed

CrI.M.P.No.166 of 2018 before the trial Court and the same dismissed on 11.4.2018 on the ground that the investigation is in progress.

5. If the petitioner/accused is released on bail, the possibility of tampering with the prosecution witnesses cannot be ruled out in view of pendency of investigation.

6. Taking into consideration the gravity of the offences alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

May 17, 2018
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T.SUNIL CHOWDARY, J

