

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.5477 of 2018

ORDER:

This petition is filed by the petitioner–accused No.1, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.59 of 2018 on the file of the Station House Officer, Kodad Town Police Station, Suryapet District, for the offences punishable under Sections 417, 420, 376, 354-C, 323 and 506 of IPC.

2. The case of the prosecution is that on 09.6.2017, in connection with marriage alliance, the petitioner along with his parents went to the house of the *de facto* complainant at Peda Mandava village, Mudigonda Mandal, Khammam District. The petitioner agreed to marry the *de facto* complainant in the presence of elders of both the families. Thereafter, the petitioner used to visit the room of the *de facto* complainant in Dilsukhnagar, Hyderabad, on one pretext or the other. On 27.9.2017, at about 03.00 pm, the petitioner went to the room of *de facto* complainant, and by black-mailing her, committed rape on her. The further case of the prosecution is that thereafter the petitioner refused to marry the *de facto* complainant. Basing on the complaint lodged by the *de facto* complainant, the concerned SHO registered the above referred case.

3. The learned counsel for the petitioner submitted that the *de facto* complainant foisted a false case against the petitioner; therefore, it is a fit case to grant bail to the petitioner. *Per contra*, learned Public Prosecutor representing the State submitted that the investigation is in progress and, if the petitioner is released on bail, there is every possibility of tampering with the prosecution witnesses.

4. A perusal of the record reveals that the petitioner was arrested on 11.3.2018 and remanded to judicial custody. The petitioner filed CrI.M.P. No.429 of 2018 on the file of the Court of II Additional Sessions Judge, Nalgonda at Suryapet, and the same dismissed on 04.5.2018 on the ground that the investigation is still in progress.

5. A perusal of the record reveals that the investigation is in progress. If the petitioner / accused is released on bail, at this stage, the possibility of tampering with the prosecution witness cannot be ruled out completely.

6. Taking into consideration the gravity of the offence 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. The Criminal Petition is, accordingly, dismissed.

May 17, 2018
usd

T.SUNIL CHOWDARY, J

