

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION No.5871 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner/ accused, seeking release in the event of his arrest in connection with Crime No.103 of 2018, dated 11.04.2018 on the file of Nandyal Rural Police Station, Kurnool District, registered for the offences punishable under Sections 493 and 417 I.P.C. and Sections 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'the Act').

2. The contentions of the learned counsel for the petitioner are that the petitioner is working as CRPF Constable at Ganjam (Odisha), it is a false implication by de facto complainant without any basis and none of the provisions of the I.P.C. offences or the Special Act that attract and sought for grant of anticipatory bail.

3. The learned Public Prosecutor opposed the bail application saying from the gravity of the offence, the petitioner is not entitled to the concession of bail.

4. Heard and perused the F.I.R. and bail application averments.

5. From the very F.I.R., the accused and the de facto complainant while undergoing Group II coaching in 2014 at Bharath Coaching Centre, Nandyal, there was acquaintance lead to loving each other from promise of accused that he was going to get job in C.R.P.F and wants to marry and their life will be nice therefrom and also taken her to the house under construction of them at their native village Rythunagaram and with a promise to marry and for memorizing for future, he participated in the sexual intercourse with her by luring her and later left for joining in CRPF job in November, 2014. Her further submissions are that 20 days later, she came to know from his friend, Ashok of he was going to marry his sister's daughter and there was an engagement ceremony taken place and when she questioned the accused on 17.12.2014 about it, he stated that it is a false rumour and there was no any such proposal saying had he got any intention to marry his sister's daughter, he could not have entered in her life to make belief and at Nandyal in Ramakrishna High School area, in a rented house, he propounded that the de facto complainant is his sister-in-law (maradalu) and they are going to marry and he is going to join in CRPF job and she would stay there and whenever he was getting leave, he was coming and

participating in the conjugal life with her and it was so, four years later in February 2017, he propounded that his family members are going to commit suicide by forcing to marry his sister's daughter and he was going to escape wisely and later he would take her and with such pretense he left from her company and out of suspicion, she demanded him to perform the marriage, however, when he postponed, she sent one Padamma to observe, Padamma came and informed that he is going to marry his sister's daughter and when she went there and questioned him, he bowed his head to her legs pretending the prestige will be ruined if she raised hue and cry and his family members compelled to the marriage which he is obliging and his sister's daughter will be the second wife and the de facto complainant is his first wife and also put a turmeric piece on her neck at Hanuman Temple, Rythunagaram Village on 15.03.2015 with a pretence of marriage and the marriage of him with his sister's daughter then performed and later in April, 2017 she tried to contact him, the phone was switched off and she came to know that his sister's daughter whom he married died due to ill-health seven months later to April, 2018 and when she went and asked him to marry, he, by saying because she belongs to Harijana community, his family members will not accept and

he lured her only to enjoy sexually and not with an intent to marry and when she questioned about that he tied of turmeric piece on her neck, he stated that gives no connection and thereby she was deceived.

6. No doubt, as pointed by the learned counsel for the petitioner, none of the provisions of the Special Act are applicable, though there is no any intention to insult from the mere say because she belongs to Scheduled Caste, his family members will not accept for his marrying her. However, from perusal of gravity of the I.P.C. offences, the petitioner is not entitled to the concession of anticipatory bail.

7. Accordingly, the Criminal Petition is dismissed.

8. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 18.07.2018

pab