

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9446 of 2017

ORDER:

This petition is filed, by the petitioner-accused, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.334 of 2017 on the file of the Station House Officer, Airport Police Station, Visakhapatnam City, registered for the offences punishable under Sections 417 and 376 I.P.C.

2. The learned counsel for the petitioner submitted that the *de facto* complainant foisted a false case against the petitioner. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner for the offence punishable under Section 376 I.P.C.

3. The learned Additional Public Prosecutor submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner.

4. The case of the prosecution is that the petitioner developed intimacy with the *de facto* complainant long back. The intimacy between the petitioner and the *de facto* complainant turned into love. The petitioner on number of occasions enjoyed the *de facto* complainant sexually by making a promise that he will marry her. Ultimately, the petitioner refused to marry her having enjoyed her sexually. Basing on the complaint of the *de facto* complainant, the above case was registered.

5. The petitioner filed CrI.M.P.Nos.2481 of 2017 and 2745 of 2017 on the file of the VI Additional District and Sessions Judge, Mahila Court, Visakhapatnam, and the same were dismissed on 08.09.2017 and 27.09.2017 respectively.

6. A perusal of the record reveals the relationship between the petitioner and the *de facto* complainant. The record further reveals that the petitioner made a promise to the *de facto* complainant and her family members that he will marry her. The record also reveals that the petitioner enjoyed the *de facto* complainant sexually. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of the offences and the investigation is in progress.

7. Taking into consideration the facts and circumstances of the case as well as the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 13.10.2017
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