

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6329 of 2018

ORDER :

The petitioners are A.2 to A.5, among five accused, of Crime No.140 of 2018 of Duvvada Police Station, Visakhapatnam District, registered for the offences punishable under Sections 420, 328, 363 and 376 read with 34 IPC.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, representing the State, and perused the anticipatory bail application averments, First Information Report and remand report of A.1, dated 10.05.2018.

3. The contentions in the bail application are that the petitioners are innocent including A.1 and even according to the very story weaved by the *de facto* complainant of on 25.04.2018 while she was going to collage, all the accused-friends of her, approached, gave her a drink, which she consumed and fell unconscious with reeling sensation and they took her photographs in a Studio and taken to Sub-Registrar Office, Shilanaganar, for registration of marriage, that was not done and went to Sub-Registrar Office, Lankelapalem, and got marriage registered, which she could not question because of reeling sensation and semi-conscious and she was taken to the house of A.5 at Kumannapalem, where she was given a tablet and went unconscious with no lapse of time, when she woke up found naked on the bed and A.1 was on her person, for which she was raising cries, the accused

threatened her saying already she was married by A.1 and to keep up her prestige, she has to keep quiet otherwise they will exploit her by lower down in the public from already married and thereby she was constrained to give police report on 02.05.2018, in saying all those facts are false from what she stated of taken to photo studio and photographs taken and showing performance of marriage taken to Registrar Officer, Shilnagar, where Aadhar card was produced and went to the Sub-Registrar Office, Lankelapalem, where marriage registered and once she appeared before Sub-Registrar and legal formalities observed, is it believable of against her will or her semi conscious or under intoxicated and unconscious stage the marriage was allegedly performed and it is a false case foisted having been fully conscious and voluntarily agreed and the marriage at her instance was performed, by lodging report nearly a week after that alleged incident, thereby they are entitled to the concession of anticipatory bail for none of the alleged offences attract.

4. Learned Public Prosecutor opposed saying from the very report, there is nothing artificial and all the ingredients of the offences that attract and it is a serious crime against the society, which cannot be perpetrated in any manner and that the investigation is at nasal stage, none of the petitioners, who are privy to the alleged occurrence, are entitled to the concession of bail including any mercy or lenience so far as petitioners/A.2 to A.5.

5. This case no way deserves the concession of anticipatory bail.
6. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

13th July 2018.

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