

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9107 of 2018

ORDER:

The petitioner, who is A.1 among two accused, in Cr.No.73 of 2018 of Ellandakunta Police Station, Karimnagar district, registered for the offences punishable under Sections 376(n), 384, 420, 324 and 506 read with 34 IPC, on the complaint, dt.24.07.2018 of the defacto-complainant by name Parkala Vanitha, now in judicial custody since 25.07.2018 seeks bail.

The averments of the complaint are that her husband by name Nagaraju is living by doing caste (Gowda) profession and their marriage was performed 9 years back and four years prior to the complaint, one Akkati Sanjiva Reddy came to their house to have Tadi and told that he is TRS Mandal President and secure a job to her husband in liquor compound and also promised to get sanction of double bed room house and committed rape on her and further also the petitioner continued to come to her house and committed rape on her with threats that unless she satisfies him, he will kill her and her husband. The complaint further discloses that he also developed relationship with her sister who is residing in her house and set up family at Jammikunta. They also shifted their family to Jammikunta by believing his words where her husband used to do Hamali work for their family maintenance. One year back, on the promise of the

petitioner to set up a house to them, they shifted their family to Warangal where the petitioner by saying that their Government is in power to get a house for them and asked them to get some money on that they sold their land of Ac.0.20 guntas and arranged Rs.3,00,000/- to him and one week prior to the complaint, when they demanded for money, he beat her husband with chair and also beat her and abused her in filthy language due to which she sustained injuries and he paid Rs.10,000/- for treatment. Hence the complaint. Since ten days of the complaint, brother of Akkati Sanjiva Reddy by name Madhavareddy has been threatening them to kill.

The averments in the bail application are that the petitioner is innocent and falsely implicated in the case to extract money from him, that the defacto-complainant is a married person and having children and even from the complaint, there was relationship between the petitioner and the defacto-complainant since four years with her consent for which no provision of law will attract and prosecution itself is not maintainable and the facts in the FIR and remand report are false and baseless and the petitioner never committed the heinous offence supra. The bail applications of the petitioner in CrI.M.P.Nos.743 of 2018 and 807 of 2018 before the Special Sessions Judge were dismissed on 7.08.2018 and 24.08.2018 respectively. He is ready and willing to furnish

suitable surety if he is enlarged on bail. The learned counsel for the petitioner reiterated the same.

The learned Public Prosecutor opposing the bail application submits that the learned Sessions Judge, rightly dismissed the bail applications of the petitioner holding that there are serious allegations against the petitioner who ravished the defacto-complainant and also tried to ravish the elder sister of her and when questioned the petitioner beat her on her private parts and caused bleeding injuries on which the investigation is in progress and not a fit case to grant bail. Hence, to dismiss the petition.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the First Information Report, bail application averments and other material on record.

A perusal of the case diary 12 witnesses already examined even by date 25.07.2018 shows even with reference to the facts there is no report or complaint from LW.2, husband of the defacto complainant-LW.1. Even directly if at all any such thing is there to attract the offence under Section 497 IPC in addition to the present crime it will no way weaken the crime and its propensity so far as the petitioner concerned that too from the prima facie accusation and from the investigation still pending and A.2 still in abscondence, the petitioner is not entitled to the concession of regular bail

at this stage. However it will be no bar for seeking bail in future from showing changed circumstances.

Accordingly and in the result, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 18.09.2018
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