

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9816 of 2018

ORDER:

The petitioner, who is the sole accused filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.311 of 2018 on the file of Nacharam Police Station, Rachakonda District, registered for the offences punishable under Sections 376, 417 and 493 IPC. The petitioner was arrested on 10.07.2018 and he is in judicial custody since then.

2. The report of the de facto complainant dated 06.07.2018 in nutshell is that the accused having acquainted with the de facto complainant and the family, lured her with an intent to marry and by loving her and she believed him and went into his trap and under the promise to marry, had sexual intercourse with her several times and later started saying his parents are unwilling and ultimately, when the parents of the de facto complainant came to know and when questioned, accused asked to make arrangements for the marriage and the date fixed on 01.07.2018 in Hanuman Temple at Mallapur and the cards were distributed and every arrangement has been made having spent about Rs.6 lakhs including fixing the venue. However, the accused and his parents fled away instead of marrying her and he avoided obligation, thereby, she was cheated and the accused committed the offence of rape and liable for the same.

3. The contentions in the bail application are that the petitioner is innocent and never committed any offence, much less, sexual intercourse even voluntarily with the victim and his age is wrongly mentioned and he is under age to the victim and he never induced

the victim or promise to marry and thereby, he is entitled to the concession of bail.

4. The learned Public Prosecutor opposed the bail application stating that the instant case is covered under the offence of rape under Section 376 IPC apart from the offence of cheating in luring to commit the offence of rape and also in promising to marry and denied the marriage even arrangements made even no offence under Section 493 IPC practically made out.

5. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State and perused the FIR, bail application averments, remand report, Case Diary and the earlier dismissal orders in CrI.MP.Nos.3793 of 2018 and 3543 of 2018 dated 07.09.2018 and 23.08.2018 respectively.

6. A perusal of the Case Diary shows that more than three witnesses examined also substantiated the said allegations of the de facto complainant from the statements. Hence, from the *prima facie* accusation of the offences under Sections 376 and 420 IPC, the accused is not entitled to the concession of bail.

7. Accordingly, the Criminal Petition is dismissed.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date:24.09.2018
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