

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11149 OF 2018

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in connection with Crime No.161 of 2018 of T.Narasapuram Police Station, West Godavari District, registered for the offences punishable under Sections 417, 448 and 376 IPC.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

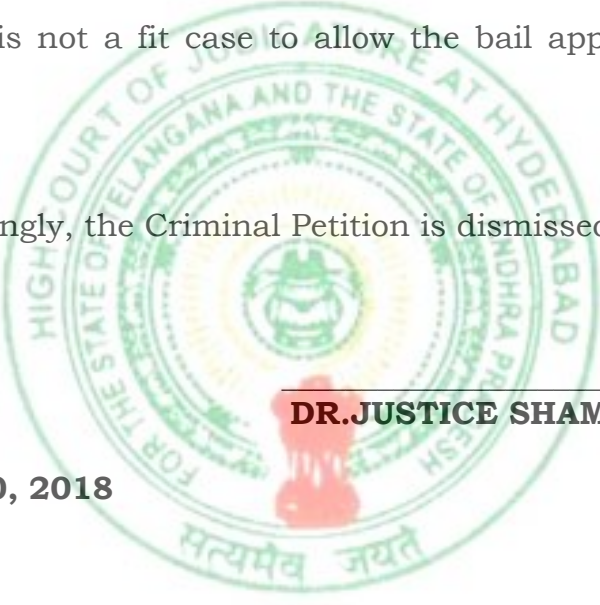
3. Learned counsel for the petitioner/accused contended that there were no attempts on the part of the petitioner nor he indulged any sexual act on 28.07.2018; that most part of the investigation is completed and medical report only is awaited and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor would submit that some more witnesses are yet to be examined and investigation is in progress and ultimately prayed to dismiss the bail application.

5. As per the material placed on record, the *de facto* complainant-Payam Naga Lakshmi studied upto Intermediate. Thereafter, she started attending coolie work and in that process she used to travel in the auto of the petitioner-accused. The petitioner-accused expressed his love on her and he made an

attempt to marry her. But, the *de facto* complainant refused to marry him. The accused also several times forced the *de facto* complainant for sexual intercourse and ultimately having come to know that the *de facto* complainant was alone in her house, on 28.07.2018 around 10:30 PM, he trespassed into the house and committed rape on her. Basing on her report, this criminal case is registered. Most of the material witnesses are yet to be examined. The allegations are specific and grave. The offences against the petitioner are grave and punishment is stringent and if he is released on bail, it would a hurdle in the investigation of the case. Therefore, it is not a fit case to allow the bail application at this juncture.

6. Accordingly, the Criminal Petition is dismissed.



DR.JUSTICE SHAMEEM AKTHER

OCTOBER 30, 2018

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Date: 30.10.2018

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