

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11194 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C), is filed by the petitioner/accused No.1, for grant of anticipatory bail in the event of his arrest in connection with Crime No.67 of 2018 of Gangavaram Police Station, Chittoor District, registered for the offences punishable under Sections 354, 341, 506 and 324 read with 34 IPC.

2. Heard the learned counsel for the petitioner/accused No.1 and the learned Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/accused No.1 would submit that there is a love affair between the petitioner and the *de facto* complainant; that the petitioner neither outraged nor assaulted the *de facto* complainant in any manner whatsoever; that due to enmity, this case is foisted against the petitioner; that there are exchange of messages by whatsapp etc., between the petitioner and the *de facto* complainant; that on the other hand, when the petitioner was beaten by the relatives of the *de facto* complainant, a case in Crime No.68 of 2018 was registered and the same is under investigation and ultimately prayed to grant bail to the petitioner/accused No.1.

4. Learned Public Prosecutor opposed the grant of bail to the petitioner/accused No.1 and contended that there is serious allegation of outraging the modesty of the *de facto* complainant;

that there are grave allegations with regard to commission of the other offence against the petitioner/accused No.1 and ultimately prayed to dismiss the bail application.

5. The report lodged by the *de facto* complainant on 20.08.2018, would go to show that the petitioner/accused No.1 used to follow *de facto* complainant when she was going to college; that on the date of the incident, at about 8:15 AM when she was going to college, the petitioner/accused No.1 on the way caught hold of her hand and outraged her modesty on the ground that she was not loving him and also threatened her with dire consequences. It was also alleged that the petitioner/accused No.1 forcibly took away her bag; thereafter the *de facto* complainant returned to the village and informed the same to her father, who in turn questioned the petitioner/accused No.1 about his acts, for which he abused him in filthy language; that there is a criminal case in Crime No.68 of 2018 registered against the relatives of the *de facto* complainant for the offences punishable under Sections 324, 323 and 506 read with 34 IPC.

6. Merely, there is a report against the relatives of the *de facto* complainant, what is narrated by the *de facto* complainant specifically against this petitioner, the manner how he outraged the modesty of the *de facto* complainant, books were taken under the guise of love etc., cannot be overlooked. The allegations against the petitioner/accused No.1 are specific and grave in nature with regard to threatening and outraging the modesty of the *de facto* complainant in the public. Investigation is in progress. Release of petitioner on bail under Section 438 Cr.P.C., would

hinder the investigation. The apprehension is that he would threaten the witnesses. There are no justified grounds to grant bail to the petitioner/accused No.1.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

NOVEMBER 05, 2018
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Date: 05.11.2018

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