

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11441 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in Crime No.255 of 2018 of Adilabad I Town Police Station, Adilabad District, registered for the offences punishable under Sections 417, 420, 506, 376(2n) of I.P.C. and Section 3(1)(S)(W) of the Scheduled Castes & the Scheduled Tribes (PoA) Amendment Act, 2015.

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

3. The learned counsel for the petitioner would submit that no offence is made out under Section 376 IPC and other allegations are civil in nature. The petitioner is a practicing lawyer and falsely implicated in this case and ultimately, prayed to allow the petition.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused and ultimately, prayed to dismiss the petition.

5. As per the complaint lodged with the police on 12.10.2018, the victim-*de facto* complainant has approached one Advocate, viz., Abdul Raheem in the month of July, 2017 and the said Advocate entrusted the matter to his junior Advocate i.e., the petitioner/accused herein. Thereafter, the petitioner/accused started calling the victim-*de facto* complainant to his house. On 10.08.2017, when nobody was there in the house, the petitioner/accused forcibly committed rape on the *de facto* complainant and took her photos and started threatening her stating that he would show the photos to her

husband and thereafter, when she received an amount of Rs.6,00,000/- and 20 tulas of gold from her husband, the petitioner/accused said to have been taken the same from her. Further, the petitioner/accused also took Rs.2,00,000/- as gold loan from IDBI Bank, Adilabad branch in the name of the *de facto* complainant *vide* account No.1090104000103633. There is also mention that when the amount was demanded, the petitioner/accused said to have issued cheques and pronotes. The allegations are specific and grave with regard to the sexual exploitation and taking away money and gold belonging to the *de facto* complainant by the petitioner/accused. The gravity of the offences is also very high. The release of petitioner under Section 438 Cr.P.C. would hinder the investigation. There is possibility of causing disappearance of material witnesses and also winning over the witnesses. Hence, it is not a fit case to allow the petition.

6. In the result, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

DR. SHAMEEM AKTHER, J

Date: 06.11.2018
ssp