

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE TWENTIETH DAY OF NOVEMBER, TWO THOUSAND AND
EIGHTEEN

PRESENT :

THE HONOURABLE DR JUSTICE SHAMEEM AKTHER
CRLP.No. 12038 of 2018

Between:-

Golla Kavitha, W/o. Golla Shivudu

..... Petitioners/Accused No.2.

AND

The State of Telangana, Rep. its Public Prosecutor,
High Court at Hyderabad, Through : SHO, Koheer P.S.,
Sangareddy District.

.....Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances
stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge
the petitioner on bail on the event of her arrest in FIR No. 118 of 2018 dated
20-10-2018 on the file of Koheer Police Station, Sangareddy District.

This petition coming on for hearing, upon perusing the memorandum of
grounds filed in support thereof and upon hearing the arguments of Sri D. Krishna
Reddy, Advocate for the Petitioner and of Additional Public Prosecutor(TS) on
behalf of Respondent-State, the Court made the following ORDER :-

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.12038 of 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, for grant of anticipatory bail in Crime No.118 of 2018 of Koheer Police Station, Sangareddy District, registered for the offences punishable under Section 376 of I.P.C, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, Section 3(a) and 4 of the Protection of Children from Sexual Offences Act, 2012.

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

3. The learned counsel for the petitioner/A.2 would submit that the petitioner/A.2, being the mother of A.1 in this crime, is falsely implicated in this case. She did not abuse the daughter of the de-facto complainant in any manner whatsoever and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner/A.2.

5. As per the record placed before this Court, there was a love affair between A.1 and the daughter of the de-facto complainant. It is alleged that A.1 developed sexual relation with the daughter of the de-facto complainant. As per the First Information Report

lodged with the police concerned, it is alleged that when the de-facto complainant went to the house of A.1 and the petitioner/A.2 on 19.10.2018 and demanded the petitioner/A.2 to perform the marriage of her son (A.1) with her daughter, the petitioner/A.2 alleged to have said that the de-facto complainant belongs to lower caste and she belongs to upper caste. It is also alleged that the de-facto complainant was abused in the name of caste. Whether the de-facto complainant was abused in the name of caste is a matter of investigation and trial. There are strained relations between the de-facto complainant and the petitioner/A.2. In view of the same, there is possibility of lodging a false report by the de-facto complainant under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Moreover, the petitioner/A.2 is an aged woman. Under these circumstances, this Court is inclined to grant bail to the petitioner/A.2 under Section 438 of Cr.P.C. on some conditions.

6. Accordingly, the petitioner/A.2 is directed to surrender before the Station House Officer, Koheer Police Station, Sangareddy District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A.2 on bail on her executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his satisfaction. On such release, the petitioner/A.2 shall report before the said Station House Officer on every Sunday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. The petitioner/A.2 shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure,

1973, and shall cooperate with the investigating officer in the investigation of the case.

7. The Criminal Petition is, accordingly, allowed.

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

//TRUE COPY//

Sd/- K.JAGAN MOHAN
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

- 1.The Judicial First Class Magistrate, at Zaheerabad.
- 2.The Station House Officer, Koheer Police Station, Sangareddy District
- 3.Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT).
- 4.One CC to Sri D. Krishna Reddy, Advocate(OPUC)
- 5.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT,20-11-2018.

ANTICIPATORY
BAIL ORDER



CRLP .No. 12038 of 2018

RELEASE THE PETITIONERS/ACCUSED NO.2
ON BAIL IN THE EVENT OF
HER ARREST