

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13648 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 anticipatory bail in the event of his arrest in Crime No.459 of 2018 on the file of the Musheerabad Police Station, Hyderabad City, State of Telangana, registered for the offences punishable under Sections 307, 354A (2), 506 and 341 read with 34 of the Indian Penal Code, 1860 (for short 'IPC').

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

3. The learned counsel for the petitioner would submit that no incident took place on 06.12.2018 as alleged in the First Information Report. This petitioner worked as faculty in the Academy of *de facto* complainant, and the *de facto* complainant fell due a sum of Rs.15,00,000/- to this petitioner and paid only Rs.4,00,000/- and odd. When the due amount is demanded, this case is foisted. Further, it is alleged that the petitioner gave a complaint against *de facto* complainant, her husband, her brother-in-law and others, and the same was registered as Crime No.458 of 2018 by the very same police for the offences punishable under Sections 307, 384, 506, 147 read with 149 IPC; that the complaint given by him was prior to the case foisted by the *de facto*

complainant and that this case has been foisted by the *de facto* complainant as a counter blast to the police report given by the petitioner.

4. The learned Additional Public Prosecutor would submit that accused Nos.1 to 5 in Crime No.458 of 2018 which was registered basing on the report given by the petitioner herein, were arrested and remanded to judicial custody. He also submits that this petitioner caused injury to Ch. Ravindra Babu, brother-in-law of the *de facto* complainant, in the stomach. There is medical record to substantiate the same. So, the allegations in the subject crime are grave and specific against this petitioner, and prayed to dismiss the application.

5. In view of the submissions made by both sides, the following point arises for consideration:

“Whether the petitioner - accused can be granted bail under Section 438 of the Code?”

6. The material placed on record reveals that the *de facto* complainant is Deputy Director, Ministry of Defence; on 06.12.2018 between 7.30 P.M. and 8.00 P.M. when she was near Kavadiguda Indoor Stadium, this petitioner and another intercepted her brother-in-law, Ch. Ravindra Babu, and this petitioner caused injury in the stomach of her brother-in-law with a knife and also abused her in filthy language and made sexual advances against her. There is also allegation of abusing and making sexual advances over phone also. Further, there are allegations of intimidating the *de facto* complainant on earlier occasions

and also threatening her to damage her reputation in her Institute i.e., CSB IAS Academy. The allegation that this petitioner stabbed Mr. Ch. Ravindra Babu with a knife in stomach is supported by medical record. Further, other allegations are also serious in nature. Under these circumstances, it cannot be said that as a counter-blast, the subject crime is registered against this petitioner. The matter requires thorough investigation. The release on bail under Section 438 of the Code would certainly hamper the investigation. There is possibility of petitioner winning over the witnesses. Therefore, it is not a fit case to consider the bail application under Section 438 of the Code.

7. The Criminal Petition is, accordingly, dismissed.

As a sequel, miscellaneous petitions, if any pending in the present Criminal Petition, stand closed.

DECEMBER 28, 2018
Mgr

DR. SHAMEEM AKTHER, J