

IN THE HIGH COURT FOR THE STATE OF TELANGANA

TUESDAY, THE TWENTY NINTH DAY OF JANUARY TWO THOUSAND AND
NINETEEN:PRESENT:
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 177 OF 2019



Between:

Malyala Rajashekar, S/o. Devaliah

...Petitioner/Accused

AND

The State of Telangana, through Karimnagar II-Town PS, rep: by it's Public Prosecutor, High Court Judicature at Hyderabad.

...Respondent

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/ Accused herein on regular bail in connection with Crime.No. 531 of 2018 on the file of Karimnagar II Town P.S., Karimnagar District, for the offence offence U/Sec. 376 (1) (2) (n) and 506 IPC.,

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of VENKATESHWAR VARANASI Advocate for the Petitioner, and PUBLIC PROSECUTOR (TG) for the Respondent, and the Court made the following.

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused for grant of bail in Crime No.531 of 2018 of Karimnagar II Town Police Station, Karimnagar District, registered for the offences punishable under Sections 376 (1) (2) (n) and 506 I.P.C.

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

3. Learned counsel for the petitioner/accused would submit that the petitioner/accused is falsely implicated in this case. The allegations made against the petitioner/accused do not constitute the offence under any of the provisions of Section 376 I.P.C. and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused.

5. A perusal of the Report dated 31.12.2018 and the Remand Report dated 01.01.2019 reveals that the petitioner/accused in the month of February, 2017, had forcibly committed sexual act against the victim. Thereafter, he had repeated sexual intercourse with the victim, promising to marry her. The petitioner/accused on one pretext or the other postponed to marry the victim and ultimately, alleged to have demanded dowry of Rs.20,00,000/-.

6. Whether the petitioner/accused had sexual intercourse with the victim with her consent or without consent is required to be determined in the course of trial, as the case may be. The petitioner/accused was remanded to judicial custody on 01.01.2019. The victim and other material witnesses were examined. Under these circumstances, this Court is inclined to enlarge the petitioner/accused on bail under Section 439 Cr.P.C. on some conditions.

7. Accordingly, the petitioner/accused is ordered to be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to the satisfaction of Additional Judicial Magistrate of First Class, Karimnagar. On such release, the petitioner/accused shall report before the Station House Officer, Karimnagar II Town Police Station, Karimnagar District, on every Sunday between 10:00 AM and 11:00 AM till filing of charge sheet.

8. Accordingly, the Criminal Petition is allowed.

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

//TRUE COPY//

SD/- T. RANGA BABU
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Spl. Sessions Judge for Fast Tracking the cases relating to atrocities against Women at Karimnagar
2. The Additional Judicial Magistrate of First Class, Karimnagar
3. The Station House Officer, Karimnagar II-Town Police Station, Karimnagar District.
4. One CC to SRI VENKATESHWAR VARANASI Advocate [OPUC]
5. One CC to PUBLIC PROSECUTOR (TG), High Court at Hyderabad [OU]
6. One spare copy

HIGH COURT

DR.SAJ

DATED:29/01/2019

ORDER

CRLP.No.177 of 2019



BAIL