

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1043 of 2020

ORDER:

The petitioner-A1 filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in Cr.No.154 of 2019 on the file of Akkannapet Police Station, Karimnagar District, registered for the offences under Sections 366, 368, 376(2)(n), 506 read with Section 109 IPC.

2. The case of the prosecution is that there were money disputes between A1 and the de-facto complainant i.e., the husband of victim, and that on 30.11.2019 at about 6.30 PM., when the victim went to bring the calf, A1 suddenly pounced upon her, gagged her mouth, pushed her into a car, where two persons were there and those three persons took her to Karimnagar and thereafter to Choppadandi and thereafter, A1 forcibly confined her in a room and committed sexual assault on her and that on 03.12.2019, she escaped from the clutches of A1 and went to their parents' house.

3. Learned counsel for the petitioner/A1 submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in the crime by the village leaders and due to previous disputes between him and the de-facto complainant. He further submits that the petitioner is a permanent resident of Katkoor village having permanent abode and movable and immovable properties. He further submits that the entire investigation is completed except filing of charge sheet. He further submits that the petitioner is in judicial custody since

18.12.2019 and he shall abide by any condition imposed by this Court.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner/A1 and submits that the victim is a married woman and she has categorically stated in her statement recorded under Section 164 Cr.P.C., that the petitioner/A1 had sexually assaulted her forcibly by taking her away from her house without her consent, and hence, the petitioner is not entitled for bail.

5. A perusal of the statement of victim recorded under Section 164 Cr.P.C., would show that the victim has categorically stated about the incident and manner in which the petitioner/A1 has committed sexual assault on her. Thus, in view of the serious allegations levelled against the petitioner/A1 and gravity of the offence committed by him against the victim, I am not inclined to grant bail to petitioner/A1 and accordingly, his prayer for bail is rejected.

6. Hence, the Criminal Petition is dismissed.

7. As a sequel, miscellaneous applications, if any pending, shall stand dismissed.

G. SRI DEVI, J

5th March, 2020

sj