

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4273 OF 2019

ORDER:

The petitioner, who is arraigned as accused No.1, filed the present petition under Sections 437 and 439 of Criminal Procedure Code 1973, seeking to grant regular bail to him in Crime No.168 dated 16.06.2019 of Bhadrachalam Town Police Station, Bhadrachalam - Kothegudem District, registered for the offences punishable under Sections 376 and 294 (b) of the Indian Penal Code, 1860.

2. Heard Dr. Challa Srinivasa Reddy, learned counsel for the petitioner - accused No.1 and the learned Assistant Public Prosecutor appearing for the respondent-State.

3. The allegations made in the report by *de facto* complainant, who is mother of victim, are that her daughter - Bhanoth Reethika is studying 10th class in St. Frans School, Bhadrachalam, that the petitioner herein, who is residing in the house of Bhukya Ranga, has been sending messages to the mobile of her daughter for the last two years saying that he fell in love with her; that on the pretext that he would marry her, he developed physical relationship with her daughter; that on 12.06.2019 during night when her daughter and the petitioner were chatting each other over mobile, her husband came to know about their relationship; that on 16.06.2019 at about 7.00 a.m., when her family members went to the house of Ranga to discuss the issue, they abused them with filthy language and that the petitioner

cheated her daughter and, therefore, requested the police to take necessary action against the petitioner and others.

4. The learned counsel for the petitioner - accused No.1 would submit that the petitioner has not committed any offence, much less the aforesaid offence; that he is innocent and no way connected with the offence alleged against him. It is further submitted that even according to the contents of report, the *de facto* complainant is a consenting party and hence no offence is made out against him and that the victim could not give any details of as to the place of offence, date and time. It is also submitted that the entire investigation is completed except filing charge sheet; that the petitioner is ready to furnish sufficient sureties and would abide by any of the conditions that would impose in the event of granting bail and that he also undertakes to cooperate with investigation and hence prays to grant bail to the petitioner.

5. Learned Assistant Public Prosecutor while vehemently opposing bail, submitted that statement of the victim was recorded under Section 164 of Cr.P.C. wherein she has been categorically stated that on 25.05.2019, on the pretext of talking something, the petitioner asked her to come to her school and accordingly she went there, then the petitioner took her into a nearby forest and forcibly committed rape on her; that on 12.06.2019, when she was talking with the petitioner over mobile, her father came to know about the affair and thereafter her father brought the same to the notice of accused

No.2, who promised to do justice to the victim and perform marriage with the petitioner, but they could not keep up such promise and such circumstances, the petitioner is not entitled for bail.

6. As seen from the contents of FIR and the statement of victim recorded under Section 164 of Cr.P.C. it appears there are serious allegations levelled against the petitioner and that knowing full-well that the victim is a minor, the petitioner has taken her to a nearby forest on the pretext of talking and committed rape.

7. Looking into the nature of the allegations made against the petitioner and keeping in view the statement of the victim recorded under Section 164 of Cr.P.C., this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in the petition shall stand closed.

JUSTICE G SRI DEVI

August 13, 2019
Mgr