

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5910 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A1, seeking anticipatory bail in Crime No.54 of 2019 on the file of the S.H.O. Gudihatnoor Police Station, Adilabad District, registered for the offences punishable under Sections 417, 420 and 376 IPC and 6 of POCSO Act.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. Learned counsel for the petitioner contends that the allegations leveled against the petitioner are false and baseless and concocted for the purpose of this case. The petitioner is an innocent person and no way connected with the alleged offence and he was falsely implicated in this case. He further submits that the petitioner is working in Indian Army and de facto complainant came to her aunt's house which is situated adjacent to the house of the petitioner and as such, both of them used to move freely and as the petitioner is working in Indian Army discharging his duties at Nasik and he used to visit his native village once or twice in a year. The de facto complainant expressed her intention to marry the petitioner, but the petitioner

refused to oblige the said offer and as such, she bore grudge against the petitioner and his family members, hatched a plan and lodged a complaint with all false and frivolous allegations only to coerce the petitioner to marry her and to defame him in the village. He further submits that the police are making hectic efforts to arrest the petitioner and if he is arrested and remanded to judicial custody, it would cast an adverse impact in his employment career including marriage prospects for no fault of him. He further submits that the petitioner has got fixed abode and he is ready to furnish sufficient sureties and also abide by any of the conditions imposed by this Court.

4. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

5. As seen from the contents of the complaint, it is clear that there are specific allegations against the petitioner-A1. Under the guise of marriage, he developed physical relationship with the de facto complainant. When the parents of the de facto complainant approached the parents of the petitioner to perform the marriage of the de facto complainant with the petitioner after she attained majority, parents of the petitioner refused. Knowing fully

well that the de facto complainant is a minor, the petitioner developed physical relationship with her.

6. Taking into consideration the nature of allegations leveled against the petitioner and the involvement of the petitioner in the alleged offence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

DATED: 27.09.2019.
Hsd

JUSTICE G. SRI DEVI



