

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6666 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused No.1 for grant of anticipatory bail in the event of his arrest in connection with Crime 290 of 2019 of Falaknama Police Station, Hyderabad, registered for the offences punishable under Sections 354 (b), 376, 417 and 420 I.P.C and Section 7 of the Drugs and Magic Remedies (objectionable advertisement) Act, 1954.

2. Heard learned counsel for the petitioner/Accused No.1, and the learned Additional Public Prosecutor representing the respondent-State. Perused the record.

3. The allegation levelled against the present petitioner/accused No.1 is that he along with other accused harassed the *de facto* compliant, who is wife of petitioner, in the name of black magic. In that process on 23.12.2018 while the complainant was at her grandmother's house, the petitioner called her and assaulted her in the name of black magic and thereby committed the aforesaid offences.

4. Learned counsel for the petitioner would submit that the petitioner is an innocent person and in order to harass him and his family to extort money from them, has created a false story and filed the present complaint; that the petitioner never harassed the complainant at any point of time and never beat her; that there is no sexual harassment and no black magic as stated by her in the

compliant; that the complainant is not residing with the petitioner since November, 2018. Therefore, committing the aforesaid offences does not arise. It is further stated that the present complaint was lodged after lapse of nine (9) months after the alleged commission of offence; that the complainant never behaved like a wife and she herself harassed the petitioner and his family members with one reason or the other and hence, he prays to grant bail to the petitioner/accused No.1.

5. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.1.

6. As seen from the contents of the First Information Report, there are specific allegations against the petitioner/accused No.1 that he harassed and assaulted the complainant with the help of one tantric and thereby committed the aforesaid offences.

7. The allegations levelled against the petitioner are grave in nature. Thus, looking into nature of allegations and the involvement of the petitioner in the commission of offence, this Court is not inclined to grant bail to the petitioner. However, if the petitioner/Accused No.1 surrenders before the Court concerned within ten (10) days from today and moves an application for grant of bail, after issuing prior notice to the Public Prosecutor, the same may be considered by the Court concerned in accordance with law.

8. With the above observation, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE G SRI DEVI

29th October, 2019
YVL



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Date:29.10.2019

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