

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6813 of 2019

ORDER :

The petitioner, who is Accused, has filed the present application under Sections 437 and 439 of Cr.P.C., seeking enlargement on bail in Crime No.533 of 2019 of SHO, Jubilee Hills Police Station, Hyderabad, registered for the offences punishable under Sections 376 (2)(1) and 448 of IPC.

The case of prosecution is that the defacto complainant filed a complaint stating that the victim was mentally and physically very weak and on 15.08.2019 at about 12.00 p.m., she left the victim alone in the house and went to her brother's house to tie Raakhee and at about 4.00 p.m., when she returned home, she found the accused lying on the victim, who is mentally disabled lady and on seeing her the accused ran away from the spot.

Heard learned counsel appearing for the petitioner/Accused and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for petitioner/Accused contends that the petitioner is innocent and he is no way concerned with the alleged offences. It is contended that earlier there were disputes between the petitioner and his wife and as the complainant supported his wife, there were disputes between the petitioner and the complainant and, therefore, the

complainant bore grudge against the petitioner and involved him in the present crime. It is also contended the investigation in the above crime has already been completed and there is no chance of tampering with the evidence of witnesses. It is also contended that the petitioner is ready to abide by any conditions imposed by this Court for his release on bail and would cooperate with the investigating agency in concluding investigation in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the bail application contending that there are serious allegations against the petitioner and the earlier bail application filed by the petitioner was dismissed by the Court below vide order dt.04.10.2019 in Crl.M.P.No.3462 of 2019 in Crime No.533 of 2019.

As seen from the contents of FIR, there are specific allegations levelled against the petitioner that the petitioner, who is residing in the neighbourhood room in the same premises, got an evil eye on the victim and hatched a plan to commit rape on her as she is mentally retarded and there are bleak chances of her screaming. While so, on the date of incident, the accused observed that the complainant went out and the victim was alone in the house and hence he trespassed into the house and had sexual intercourse with the victim. Thus, the accused knowing fully well that the victim is mentally retarded, committed rape on her.

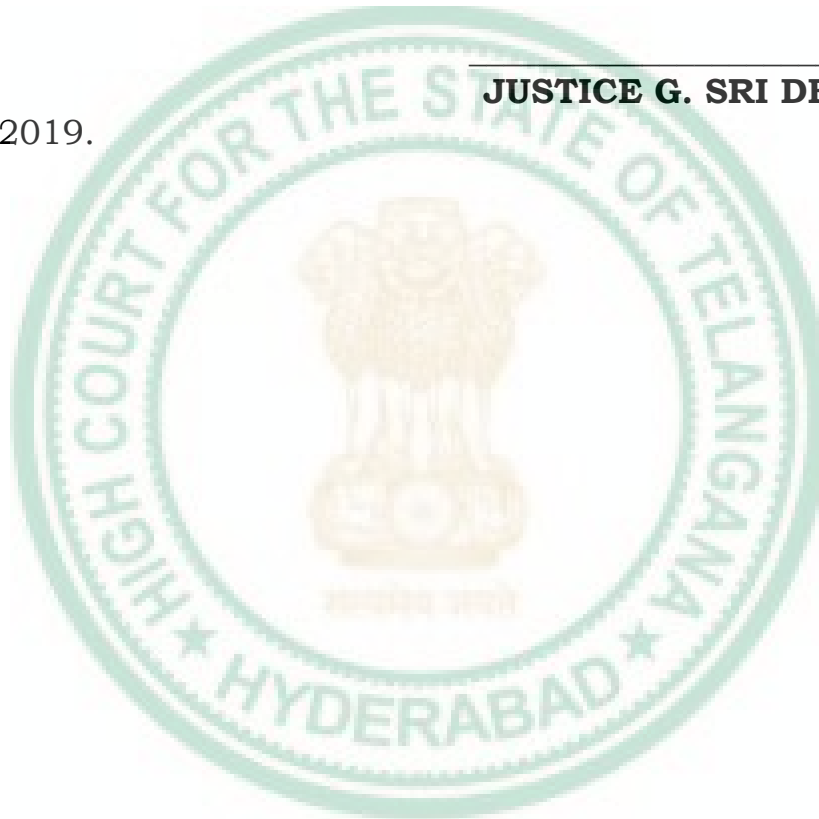
Thus, by looking into the nature of allegations levelled against the petitioner and also the gravity of offence and also taking into consideration the facts and circumstances of the case, I am not inclined to release the petitioner/Accused on bail.

Accordingly, this Criminal Petition is dismissed.

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

05.11.2019.
Msr

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