

HONOURABLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No. 7347 of 2019

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 Cr.P.C. seeking to enlarge the petitioner/accused No.1 on bail in Crime No.104 of 2019 of Doma Police Station, Doma Mandal, Vikarabad District.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution in brief is that the brother of the defacto complainant is a friend of the petitioner; that out of the said acquaintance, the petitioner used to visit the defacto complainant's house and became close to her and on the promise that he would marry her, he had physical relationship with the defacto complainant and as such, she became pregnant; that thereafter, even in the Panchayat held on 04.8.2019, the petitioner refused to marry the defacto complainant; and that petitioner's family members-A-2 to A-4 abused the defacto complainant in filthy language and threatened her with dire consequences and insisted for her abortion.

4. It is submitted by the learned counsel for the petitioner that the aforesaid complaint is a concocted one; that the

defacto complainant has given consent for sexual intercourse with the petitioner and as such, the petitioner promising to marry the defacto complainant does not arise at all; that the Police has already completed the investigation and almost all the witnesses have been examined; and that the petitioner has been in custody since 06.8.2019.

Learned counsel further submitted that the petitioner has three children and old aged physically handicapped mother who are dependent on him and as such, prayed this Court to grant bail to the petitioner, in which event, the petitioner, being a law abiding citizen, undertakes to abide by any conditions imposed by this Court.

5. Learned Additional Public Prosecutor has vehemently opposed to grant bail to the petitioner.

6. A perusal of the complaint shows that there are specific allegations against the petitioner and that in the 161 Cr.P.C. statement of the defacto complainant also, it was specifically alleged that the petitioner had forcible sexual intercourse with her. In view of the same, I am not inclined to enlarge the petitioner on bail.

8. The Criminal Petition is accordingly dismissed.

9. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

JUSTICE G. SRI DEVI

22nd November, 2019
dr