

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.7794 OF 2019

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioner/accused seeking bail in Crime No.168 of 2019 of P.S. Manthani, Peddapalli District, registered for the offences punishable under Sections 417, 420 and 376 of the Indian Penal Code and Section 3(2)(v) of SC/ST (POA) Act, 2015.

Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

In the FIR, it is *inter alia* stated that on 26.08.2019, the *de facto* complainant lodged a report alleging that the accused was acquainted with her while she was studying Degree at Manthani and made her to believe that he will marry her, due to which she fell in love with the accused and in the year 2017, on the pretext of love and marriage, he took her to his house in the absence of inmates and enjoyed sexually and later, the petitioner/accused used to visit her house in the absence of the inmates and used to participate in sex. But, since three months, the accused has not been lifting phone and avoided talking with her and blocked her number and when she went to his house and questioned about the marriage, the accused refused to marry her.

Learned counsel for the petitioner/accused submits that the *de facto* complainant is aged about 23 years and the petitioner/accused is aged 21 years and according to the complainant, they both were in love since four years since the petitioner was a minor aged about 17 years and they had consensual physical relation. It is further

submitted that 17 witnesses have been examined and statement of the *de facto* complainant under Section 164 Cr.P.C. was also recorded on 25.09.2019. Further, medical examination is complete and the report of FSL was also received on 20.09.2019. It is further submitted that the petitioner/accused is a student and he is in jail since 03.10.2019 and since the entire investigation is complete, further detention of the petitioner is not warranted. The petitioner undertakes to abide by any condition imposed by this Court in the event of granting bail.

Learned Additional Public Prosecutor representing the respondent-State opposed to grant bail to the petitioner/accused.

A perusal of the record shows that there are specific allegations against the petitioner, that the petitioner, on the pretext of love and marriage, developed physical relationship with the *de facto* complainant and he stopped lifting the phone, blocked her number and avoiding to talk to her for the last three months, which shows his ill-intention.

Having regard to the facts and circumstances of the case, nature and gravity of the offence, I am not inclined to grant bail to the petitioner/accused and the prayer for bail is rejected at this stage.

Therefore, the Criminal Petition is dismissed.

Miscellaneous applications, if any, pending shall stand dismissed.

9th December 2019
RRB

(G. SRI DEVI, J)