

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.13831 of 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in Crime No.115 of 2018 of Kulcharam Police Station, Medak District, registered for the offences punishable under Sections 376, 420 & 493 of I.P.C.

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

3. The learned counsel for the petitioner/accused would submit that there was love affair between the de-facto complainant, who is the victim, and the petitioner/accused. There was no promise of marriage. All the allegations levelled against the petitioner/accused in the report, dated 13.11.2018, lodged with the police concerned are false and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioner/accused.

5. The material placed on record reveals that the de-facto complainant, who is the victim in this case, lodged a report, dated 13.11.2018 with the police concerned stating that she is having a kirana shop at Venkatapur village, Kulcharam Mandal, Medak District, and she is also doing tailoring work in their shop.

The petitioner/accused used to come to their shop, talk to her and developed friendship. Thereafter, under the guise of marriage, he committed sexual acts against the de-facto complainant for five to six times. When the petitioner/accused was asked in the presence of elders to marry the de-facto complainant, he refused to marry her. There is specific mention in the report lodged with the police concerned with regard to the sexual acts committed by the petitioner/accused on the de-facto complainant, under the guise of marriage. There is also allegation of forcefully committing sexual acts on the de-facto complainant by the petitioner/accused. The allegations relate to the heinous offence of rape. The punishment prescribed for the alleged offences is stringent. Investigation is in progress. Release of the petitioner/accused on bail at this stage would hinder the investigation. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

03rd January, 2019
Bvv