

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY**

**:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 1040 OF 2020

Between:

Pathalavath Yashodamma, W/o Pathalavath Kotya,

...Petitioner/Accused

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad

....Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to release the petitioner on bail in the event of her arrest in connection with the F.I.R.No.86 of 2019 of P.S. Midjil, Mahaboobnagar Dist.,

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.VAMSHEEDHAR REDDY Advocate for the Petitioner and ADDL.PUBLIC PROSECUTOR (TG) for Respondent, the Court made the following.

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1040 of 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to grant anticipatory bail in the event of her arrest in Crime No.86 of 2019 on the file of Midjil Police Station, Mahaboobnagar District, registered for the offences punishable under Sections 366 and 376(2)(n) IPC and Section 5(1) read with Section 6 of Protection of Children from Sexual Offences Act.

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

3. The brief facts of the case as per the complaint are that the de facto complainant is studying 7th class and since last two years she has been residing in Girls Hostel at Midjil; that while so, she got acquaintance with one Pathlavath Shiva-accused No.1, who used to come to her hostel saying that he loves her and promised that he will marry her; that about 7 months back, accused No.1 came to her hostel and took her to a cinema at Jadcherla and from there he took her to a room where he enjoyed her sexually; that since then, he used to participate in sexual intercourse with the de facto complainant and now she is five months pregnant; and that about six days back, when the de facto complainant requested accused No.1 to marry her, he bluntly refused to marry her. Hence, the complaint.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and she is no way connected with the same; that even if the entire complaint is taken into consideration, no offence is made out against the petitioner; that the entire complaint speaks about the intimacy between one Pathlavath Shiva and the de facto complainant as is evident from the complaint given on 29.7.2019; that thereafter, the statement of the victim-de facto complainant was also recorded by the Police under Section 161 Cr.P.C on 30.7.2019 which discloses the relationship between one Shiva and the victim; that nowhere, the name of the petitioner nor any overt acts were attributed to her by the de facto complainant in her complaint; that subsequently, the statement of the victim under Section 164 Cr.P.C. was recorded on 31.8.2019; and that for the first time, the petitioner was falsely roped in as the accused as the perpetrator of the alleged crime as she is the relative of the accused-Shiva. Learned counsel further submitted that the petitioner is a Government employee and there is nothing to connect her to the present crime; that the complaint given by the de facto complainant does not mention the name of the petitioner as accused; that the Police are taking coercive steps to implicate the petitioner as accused for no fault of hers; that she has fixed abode and is ready to abide by any conditions that may be imposed by this Court in the event of her enlargement on anticipatory bail.

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

6. As seen from the contents of the F.I.R., there are allegations only against the accused and subsequently, the petitioner has been implicated in this case. The investigation into the case is not yet completed. Thus, looking into the nature of allegations levelled against the petitioner and the facts and circumstances of the case, without delving into the merits of the case, I am inclined to grant anticipatory bail to the petitioner.

7. The Criminal Petition is accordingly allowed and the petitioner is directed to surrender before the Station House Officer, Midjil Police Station, Mahaboobnagar District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail on her executing a personal bond to the tune of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like amount each to his satisfaction. The petitioner shall abide by the conditions stipulated in Section 438(2) Cr.P.C and shall co-operate with the Investigating Officer in investigating the case. The petitioner shall appear before the trial Court concerned on every date of hearing till the completion of trial.

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

//TRUE COPY//

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The I Additional Sessions Judge, Mahabubnagar.
2. The Judicial Magistrate of First Class, at Kalwakurthy.
3. The Station House Officer, Midjil Police Station, Mahabubnagar District.
4. One CC to SRI. P. VAMSHEEDHAR REDDY Advocate [OPUC]
5. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

GSD,J

DATED: 20.02.2020

CRL.P.NO.1040 OF 2020

BAIL

