

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY

:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 1160 OF 2020

Between:

1. Ayub Khan, S/o. Sultan Khan,
2. Siddiqua, W/o. Ayub Khan,
3. Mohd. Sadiq, S/o. Late Mohd. Qaseem,

Petitioners/Accused 2 to 4

AND

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

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the
circumstances stated in the grounds filed in support of the Criminal Petition,
the High Court may be pleased to release the petitioners on bail in the
event of their arrest in Cr.No.15 of 2020 Of P.S. Osmania University,
Hyderabad

The petition coming on for hearing, upon perusing the Petition and
the grounds filed in support thereof and upon hearing the arguments of SRI
MOHD AFZALUDDIN Advocate for the Petitioners and the Additional
PUBLIC PROSECUTOR for the Sole Respondent, the Court made the
following.

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1160 of 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.2 to 4 seeking to grant anticipatory bail in the event of their arrest in Crime No.15 of 2020 on the file of Osmania University Police Station, Hyderabad City, registered for the offences punishable under Sections 376, 342 and 420 IPC and Section 3(1)(r)(s) of SCs & STs (POA) Act.

2. Heard learned counsel for the petitioners, 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 has been in love with accused No.1 since six years; while so on 29.12.2019, accused No.1 called her and told that he will commit suicide if she does not come with him and as such scared by it, the de facto complainant went to Yadagirigutta believing accused No.1 without informing anyone; that accused No.1 tied mangalasutram in the neck of the de facto complainant in the presence of his friends and for eight days they took a room near Yadagirigutta and stayed together, during which period accused No.1 several times forcibly had sexual intercourse with her; and that later on 04.01.2020 in the evening, he took the de facto complainant to

his residence at Vinobanagar, where accused No.1's parents-accused Nos.2 and 3-petitioner Nos.1 and 2 herein abused her in the name of her caste as "Madiga munda" and taken her to Bharathnagar and kept her at their relatives house; and that though the de facto complainant requested them several times to allow her to talk to accused No.1, they denied and confined her in a room and locked from outside; and that they also threatened her with dire consequences and used abusive language in the name of her caste; that on 05.01.2020, accused No.4 opened the lock of the door and asked the de facto complainant to go home; and that on 06.01.2020, the de facto complainant along with elders went to accused No.1's house and when the de facto complainant requested accused No.1 marry her, accused Nos.1 to 3 told that they do not have any relationship with her and threatened her with dire consequences.

4. Learned counsel for the petitioner submitted that the petitioners are innocent of the offences and they have been falsely implicated in this case; that petitioner Nos.1 and 2 are the parents and petitioner No.3 is the maternal uncle of accused No.1; that there are no specific allegations attributed against the petitioners; and that no prima facie case is made out against the petitioners. He further submitted the petitioners are the law abiding citizens and are ready to abide by any

conditions that may be imposed by this Court in the event of their enlargement on anticipatory bail.

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

6. As seen from the contents of the F.I.R., there are specific allegations against petitioner Nos.1 and 2 herein-accused Nos.2 and 3, that they confined the de facto complainant in a room and abused in the name of her caste. Nevertheless, it is stated in the complaint that petitioner No.3 opened the door and asked the de facto complainant to go home.

7. Thus, looking into the nature of allegations levelled against petitioner Nos.1 and 2 and the gravity of offence, I am not inclined to grant anticipatory bail to them.

8. However, insofar as petitioner No.3-accused No.4, it is only stated in the complaint that he opened the door of the room in which the de facto complainant was confined and asked her to go home. Except this, there are no allegations whatsoever against petitioner No.3. Therefore, keeping in view the facts and circumstances of the case, without delving into the merits of the case, I am inclined to grant anticipatory bail to petitioner No.3.

9. The Criminal Petition is accordingly partly allowed and petitioner No.3-accused No.4 is directed to surrender before the Station House Officer, Osmania Police Station, Hyderabad City, within a period of 15 days from the date of this order. On such

surrender, the said Station House Officer shall release petitioner No.3-accused No.4 on bail on his 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 co-operate with the Investigating Officer in investigating the case.

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

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, PS. Osmania University, Hyderabad.
3. One CC to SRI. MOHD AFZALUDDIN Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad.
[OUT]
5. One Spare Copy

GR

HIGH COURT

GSDJ

DATED:03/03/2020

ORDER

CRLP.No.1160 of 2020

BAIL

