

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

**FRIDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY**

**:PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 1830 OF 2020

Between:

BANOTH MOONSINGH, S/o Chandrabhan,

....Petitioner/Accused

AND

THE STATE OF TELANGANA, Through Public Prosecutor, High Court for the State of
Telangana At Hyderabad.

....Respondent/Respondent

Petition under Sections 437 & 439 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 ENLARGE the Petitioner/Accused on Bail in Crime with FIR No. 07 of 2020 of P.S.Lingapur, KBM Asifabad, Adilabad.

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

ORDER

THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO.1830 OF 2020

ORDER:

This is an application for regular bail. Petitioner is accused in Crime No.7 of 2020 of P.S. Lingapur, Komaram Bheem District. The offences alleged against the petitioner/accused are under Section 376 read with Section 511 and Section 323 of the Indian Penal Code.

It is the case of the prosecution that the petitioner and the victim girl belong to very same village and community. The petitioner/accused kept an evil eye on the victim to fulfill his sexual desire with her and waiting for an opportunity. On 07.02.2020 at 3 p.m., L.W.1 went to agricultural fields at outskirts of her village to graze her cows and while she started towards the rivulet for providing water to her cow and its calf, the accused noticed her that she was going alone and came near to her, caught hold her both hands and forcibly laid her down on the ground with an intention to commit rape and removed her saree and on hearing her cries, her younger brother-in-law came there and the accused escaped from there. Thus, according to the prosecution, the petitioner/accused committed the above said offences.

Learned counsel for the petitioner/accused would contend that both the accused and the victim belong to the very same village and community and they are neighbours. The contents of the complaint and the contents of the remand case diary are different. There is improvement in the remand case diary. Learned counsel would submit that in complaint dated 07.02.2020 lodged by the *de facto* complainant, she has stated that the

accused caught hold the hands of the victim and made an attempt to commit rape. According to remand case diary there are improvements in the version of the *de facto* complainant. He would further submit that the petitioner was in judicial custody from 11.02.2020. He would further submit that the petitioner/accused is an agriculturist and eking out his livelihood by cultivation. It is further contended that the complaint dated 07.02.2020 lacks ingredients of Section 376 IPC. The police, without conducting investigation properly and without applying their minds, registered offences against Section 376 read with Section 511 and Section 323 of the Indian Penal Code. With the said contentions, learned counsel for the petitioner/accused would contend that the petitioner/accused may be enlarged on bail.

On the other hand, learned Additional Public Prosecutor would submit that the crime committed by the petitioner/accused is a heinous crime. He further contends that the accused taking advantage of the loneliness of the victim, made attempt to commit rape and it is a heinous crime. The contents of the complaint date 07.02.2020 and the ingredients of Section 376 IPC are different and moreover it is a case of further investigation/trial. Therefore, by considering the grievance in the nature of the crime committed by the accused, some conditions may be imposed while considering the bail application.

There are discrepancies in the contents of the complaint dated 07.02.2020 and the remand case diary dated 11.02.2020. Admittedly, both the petitioner/accused and the victim belong to the very same village. It is also not in dispute that the petitioner/accused is in judicial custody from 11.02.2020.

Whether the contents of the complaint constitute the ingredients under Section 376 of the Indian Penal Code are matters for further investigation/trial. Considering the fact that the petitioner is in judicial custody from 11.02.2020 and also he is an agriculturist, this Court is inclined to grant regular bail to the petitioner/accused on certain conditions.

The Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:

- (i) That the petitioner/accused shall execute a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class, Adilabad at Utnoor;
- (ii) that the petitioner/accused shall not interfere with the investigation, directly or indirectly;
- (iii) that the petitioner/accused shall co-operate with the investigating agency.
- (iv) that the petitioner/accused shall personally appear before the Station House Officer, Lingapur, P.S., on every Sunday between 10 am and 5 pm till filing of final report/charge sheet.

Miscellaneous applications, if any, pending shall stand closed.

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

- To
1. The Special Sessions Judge for Fast Tracking the Cases Relating to Atrocities Against Women-cum-VI Additional District and Sessions Judge, at Adilabad.
 2. The Judicial Magistrate of First Class, Utnoor at Adilabad
 3. The Superintendent, District Jail, KBM Asifabad, Adilabad District
 4. The Station House Officer, Lingapur Police Station, KBM Asifabad District
 5. One CC to SRI K PRADEEP REDDY Advocate (OPUC)
 6. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
 7. One spare copy

HIGH COURT

KLJ

DATED: 20.03.2020

CRL.P.NO.1830 OF 2020

BAIL

