

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION NO: 6435 OF 2020

Between:

Naresh, S/o. Savaranna,

Petitioner/Accused

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad.
2. The Station House Officer, Dharoor Police Station, Jogulamba Gadwal District
Telangana.

Respondents

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to release the petitioner on bail in the event of his arrest in FIR No.25/2020 on the file of the Station House Officer, Dharoor Police Station, Jogulamba Gadwal District, Telangana;

The petition coming on for hearing, upon perusing the Petition and the grounds filed therein and upon hearing the arguments of Sri Srinivas Bobbili, Advocate for the Petitioner, and of the Asst. Public Prosecutor, for the Respondents, the Court made the following.

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6435 of 2021

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 his arrest in Cr.No.25 of 2020 on the file of Dharoor Police Station, Jogulaba Gadwal District, registered for the offence under Section 354D IPC and under Section 3(1)(w)(ii) and 3(2)5(a) of SCs & STs (POA) Act, 2015.

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

3. Though notice was served upon the 3rd respondent-de-facto complainant, none appears on her behalf.

4. Learned counsel for the petitioner/accused would submit that the petitioner is a physically handicapped person with 75% disability and he never involved in any criminal case and he has been falsely implicated in the present crime. He further submits that the petitioner was doing social service and he was very active in solving the problems of needy and poor people, while so, the de-facto complainant developed fascination towards him and forced to marry him, and that as he has not accepted for the said proposal, she filed the present complaint against him. He further submits that the petitioner did not commit any offence as alleged in the complaint and that he has not involved in any other crime prior to this occurrence. He also submits that the petitioner is a law abiding citizen and ready to abide by any condition that may be imposed by this Court in the event of his enlargement on anticipatory bail.

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

6. As seen from the contents of the complaint, on 20.02.2021, at about 8.40 PM, the petitioner came to the work place of de-facto complainant at the entrance gate, situated at Narsandoddi village, and shouted to marry her and also abused her, then, while the watchwoman tried to catch him, he escaped from that place. Thus, a perusal of the complaint, there is nothing on record to show that the petitioner has abused the de-facto complainant in the name of her caste. Moreover, the disability certificate shows that the petitioner is suffering from 75% of disability to his left upper limb with impaired reach. Thus, looking into the nature of allegations leveled against the petitioner and other facts and circumstances and in view of the physical disability of the petitioner, and also view of peculiar conditions of pandemic COVID-19 prevailing in the country, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/accused.

7. The Criminal Petition is accordingly allowed and the petitioner/accused is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner/accused is directed to surrender before the Station House Officer, Dharoor Police Station, Jogulamba Gadwal District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner/accused 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 sum each to his satisfaction.

(ii) The petitioner/accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

//TRUE COPY//

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Gadwal, Mahabubnagar District.
2. The Station House Officer, Dharoor Police Station, Jogulamba Gadwal District.
3. Two CCs to Public Prosecutor, High Court of Telangana, Hyderabad (OUT)
4. One CC to Sri Srinivas Bobbili, Advocate (OPUC)
5. one Spare Copy

HIGH COURT

GSD,J

DATE: 30-4-2021

ORDER

CRL.P. NO. 6435 OF 2021

PETITION ALLOWED

