

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.8589 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/accused in the event of his arrest in connection with Crime No.700 of 2021 of L.B.Nagar L & O Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 376(2)(n), 493, 417 and 109 read with 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. It is the case of the prosecution that *de facto* complainant is a divorced lady. The accused approached her and used to say that he loves her and marry her. On 28.12.2020 the accused physical intercourse with her and on 02.01.2021 again he used her physically. When she stated about the pregnancy, he tried to get her aborted. On 23.04.2021 due to ill health and weakness, she lost her pregnancy. When she informed the same to his parents, both are agreed for performing marriage and agreed for Rs.12 lakhs as dowry. Later, A.1 messaged by demanding Rs.30 lakhs. In a panchayat held on 25.06.2021, when he was asked before the Sarpach, A.1 said that her character is bad and would not marry such type of girl. Basing on the said complaint, a case in Crime No.700 of 2021 has been registered.

3. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that it is not the case of the petitioner that he has refused to marry her. In the complaint itself, the de facto complainant stated that she is under apprehension that the petitioner may suspect her. In fact, petitioner is ready to marry her, but she herself refused him, the reasons are best known to her only. Even according to the complaint, both the petitioner and the de facto complainant are in relationship for long time. Hence, his case may be considered for grant of pre-arrest bail.

5. Learned Assistant Public Prosecutor submits that investigation is still pending. The statement recorded under Section 164 Cr.P.C. of the de facto complainant, she has reiterated the allegations made in the complainant and stated that petitioner has harassed her physically, has refused to marry her and there is allegation of demanding dowry. Hence, the petitioner is not entitled for pre-arrest bail.

6. Taking into consideration the fact that in the complaint she stated that even if the petitioner marries her, she has an apprehension that he may abuse her and admittedly it was a consensual sex between the parties, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. The petitioner shall be released on bail in the event of his arrest in connection with Crime No.700 of 2021 of L.B.Nagar L & O Police Station, Rachakonda Commissionerate, on condition of executing a self bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Station

House Officer, L.B.Nagar L & O Police Station, Rachakonda
Commissionerate.

Consequently, miscellaneous applications pending, if any, shall stand
closed.

LALITHA KANNEGANTI, J

Date :29.11.2021

mar