

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE FIRST DAY OF DECEMBER TWO THOUSAND AND

TWENTY ONE

:PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 8699 OF 2021

Between:

Kommagalla Raju, S/o. Maisaiah,

Petitioner/Accused

AND

The State Of Telangana, Represented by its Public Prosecutor, High Court of
Telangana, Hyderabad.

Respondent/Complainant

Petition under Sections 437 & 439 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 enlarge the Petitioner on Bail in Crime No.724 of 2021 of P.S. Neredmet, Rachakonda, Ranga Reddy. on such terms and conditions as this Honorable Court deems fit and proper in the interest of justice.;

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI T PRASANNA KUMAR Advocate for the Petitioner and ASSISTANT PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.8699 OF 2021

ORDER:

This Criminal Petition, under Sections 437 and 439 Cr.P.C., is filed by petitioner - Accused in Crime No. 724 of 2021 of Neredmet Police Station, Rachakonda, registered for the offences punishable under Sections 417, 493 and 376(2)(n) of the Indian Penal Code (IPC), seeking bail.

2. The case of the prosecution is that on 08.10.2021, the *de facto* complainant gave a complaint stating that the petitioner is her brother-in-law and also neighbour and on the pretext of love and affection, he participated in sexual intercourse with her for several times at her residence by saying that he would marry her and later, he ignored her and not attended her calls.

3. Learned counsel for petitioner, Sri T. Prasanna Kumar, submits that it is alleged that the petitioner committed offences punishable under Sections 417, 493 and 376(2)(n) IPC but it is a consensual sex between the parties and hence, Section 376 IPC has no application to the facts of this case. Even it is the case of the complainant that they were having physical relationship from the last four years. Further, statement of the victim under Section 164 Cr.P.C. was also recorded. It is submitted that he was remanded to judicial custody on 10.10.2021 and since then he has been languishing in jail and hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending and in view of the

grave allegations levelled against the petitioner, he is not entitled for bail. However, he does not dispute the fact that the statement of the victim under Section 164 Cr.P.C. is already recorded.

5. Taking into consideration the fact that petitioner is languishing in jail since 10.10.2021 and the statement of the victim under Section 164 Cr.P.C. is already recorded, this Court deems it appropriate to grant bail to him, on certain conditions.

6. The Criminal Petition is, therefore, allowed. The petitioner - Accused shall be enlarged on bail in connection with Crime No. 724 of 2021, P.S. Neredmet, Rachakonda, on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the XIX Additional Metropolitan Magistrate, Cyberabad at Malkajgiri, Ranga Reddy District. Petitioner shall cooperate with the Investigation Officer.

Miscellaneous applications, if any, pending shall stand closed.

SD/- T. KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To,
1. The XIX Additional Metropolitan Magistrate, Cyberabad at Malkajgiri, Rangareddy District.
 2. The Superintendent, Central Prison, Cherlapally, Ranga Reddy District
 3. The Station House Officer, Neredmet Police Station, Rachakonda District
 4. One CC to SRI. T PRASANNA KUMAR Advocate [OPUC]
 5. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, Hyderabad (OUT)
 6. One spare copy

HIGH COURT

LKJ

DATED: 01.12.2021

ORDER

CRLP. NO: 8699 of 2021

CRIMINAL PETITION IS ALLOWED



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