

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 618 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused in Crime No. 295 of 2021 on the file of Rein Bazar Police Station registered for the offences punishable under Sections 376, 420 and 417 I.P.C., seeking bail.

2. The case of prosecution is that initially, the case was registered as 'woman missing' basing on the complaint of the complainant wherein she stated that on 27.12.2021, at about 06.00 p.m., her elder daughter left the house by saying to her younger daughter that she is going to meet her lover Malik and subsequently, on 29.12.2021, the complainant along with victim went to police station where police recorded the statements of victim and witnesses, basing on which, altered section of law to Sections 376, 471 and 420 IPC. against the petitioner.

3. Learned counsel for the petitioner – Accused Sri Azeem Mustafa submits that even in the complaint also, de facto-complainant, who is mother of the victim, stated that petitioner is lover of the victim. It is stated that remand report also reveals that victim was missing for a day and later, she came to the police station and police handed over her to her parents. Learned counsel submits that petitioner is aged about 19 years and is a student and victim is aged about 26 years and while the petitioner was studying SSC at Hyderabad Islamic School, Yakutpura, Hyderabad where victim was teaching the primary

school children, she fell in love with him and made a proposal to marry him and as the petitioner was a student under care and custody of his parents, he refused for the same. It is stated that later, the victim obtained his phone number and used to make frequent calls insisting him to love her. Learned counsel further submits that on 27.12.2021, victim girl came to the house of the petitioner and stated that her parents are going to perform her marriage and pressurised him to take her away and marry her, on which the petitioner informed the same to the parents of the victim girl, but they gave evasive replies. Hence, the petitioner along with his parents took the victim girl to the police station at about 09.00 p.m., who, in turn, called the parents and handed over her to them. Learned counsel submits that to the shock and surprise of the petitioner, on 28.12.2021, police registered the present complaint. He submits that only with an intention to pressurise the petitioner, the present case is foisted and he was arrested and remanded to judicial custody on 31.12.2021 and since then, he has been languishing in jail. He further submits that petitioner being a student and an innocent person, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor submits that statement under Section 164 Cr.P.C. is yet to be recorded and so far, four witnesses were examined. He submits that on the pretext of marriage, petitioner had sexual intercourse with victim. He submits that in view of the grave allegations levelled against the petitioner, he is not entitled for bail, at this stage, as investigation is pending.

5. Taking into consideration the facts and circumstances of the case, age of the petitioner and as he is languishing in jail from 31.12.2021, this Court deems it appropriate to grant bail to the petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused shall be enlarged on bail in connection with Crime No. 295 of 2021 on the file of Rein Bazar Police Station on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the VIII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad.

LALITHA KANNEGANTI, J

01st February 2022

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