

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 886 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused in Crime No. 1234 of 2021 of Madhapur Police Station, registered for the offences punishable under Sections 376(2)(n) IPC. and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, seeking bail.

2. The case of the prosecution is that on 16.10.2021, the police received a report from the de facto complainant stating that from 2015, she had friendship with the petitioner while she was working at KIMS, Kondapur. While so, in December, 2019, the petitioner promised to provide good job with high salary and asked her to come to room at Bishapathi Nagar, Kondapur along with certificates. It is alleged that believing his promise, the complainant went to his room where he offered drink mixing drug. After consuming the said drink, the de facto complainant went into unconscious stage. It is further alleged that the petitioner took her nude photographs and started blackmailing her. On that pretext, the accused started having sexual intercourse with the victim and when she asked to marry her, he refused.

3. Learned counsel for petitioner Sri P. Vengala Reddy submits that even as per the complaint, both the petitioner and the de facto complainant are known to each other from 2015 and both of them are working as Nurse in KIMS. Learned counsel submits that it is the case of the victim that the petitioner raped her by

intoxicating her in the year 2019, but the complaint is given in the year 2021. That itself shows that both the victim and the accused are in consensual relationship. He submits that the petitioner was arrested and remanded to judicial custody on 03.12.2021 and from the last 78 days, he is languishing in jail. He further submits that as contemplated under Section 15(3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the petitioner has taken out the notice to Respondent No.2. He therefore, submits that the case of the petitioner may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner is alleged to have committed heinous crime. He submits that as per the complaint, the petitioner intoxicated the victim and had intercourse with her and also had taken her nude photographs and started blackmailing and continued to have physical relationship with her. He submits that statement of the victim under Section 164 Cr.P.C. is recorded. Learned Assistant Public Prosecutor submits that five witnesses were examined so far and investigation is still in progress and at this stage, the petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that as per the complaint, both the petitioner and the victim are in relationship from 2015, and the alleged incident took place in 2019 but the complaint is given in 2021, further the petitioner is languishing in jail from the last 78 days, the statement under Section 164 Cr.P.C. is recorded and taking into consideration the judgment of the Apex Court in ***Maheshwar Tigga v. The State of Jharkhand***

(Criminal Appeal No. 635 of 2020), this Court deems it a fit case to grant bail to the petitioner.

6. The Criminal Petition is allowed. The petitioner – Accused shall be enlarged on bail in connection with Crime No. 1234 of 2021 on the file of Madhapur 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 XII Additional Metropolitan Magistrate, Cyberabad at Kukatpally.

18th February 2022

LALITHA KANNEGANTI, J

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