THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.7774 OF 2022

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused in Crime No.477 of 2022 pending on the file of Station House Officer, Alwal Police Station, Cyberabad registered for the offences punishable under Sections 376(2)(n), 313 and 506 of Indian Penal Code.

2. Heard learned counsel for the petitioner/Accused and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case against the petitioner is that the petitioner and the *de facto* complainant were acquainted with each other since May, 2016. As the *de facto* complainant was working in the gym which was run by this petitioner who is owner-cum-trainer in the said gym. Though the petitioner was married, he promised the *de facto* complainant that he would marry her and continued their relation over a period of six years. However, since the petitioner had

refused to marry her in the month of July, 2022, the present complaint was filed on 11.07.2022 with the Alwal police.

4. Learned counsel for the petitioner submits that the relation between the petitioner and the *de facto* complainant is consensual in nature and it does not attract the offence of rape. He further submits that the alleged abortion was in the year 2017 and the complaint is filed nearly after five years.

5. Learned Assistant Public Prosecutor submits that the investigation is almost complete however, charge sheet is not filed.

6. Keeping in view that the petitioner was in relation with the *de facto* complainant since the year 2016 and the investigation being almost complete, the petitioner can be granted the relief of regular bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused is granted bail subject to the following conditions:

i) The petitioner/Accused shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a

like sum each to the satisfaction of X Metropolitan Magistrate, Cyberabad, Medchal.

ii) The petitioner/Accused shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of three (03) months or until filing of charge sheet whichever is earlier.

iii) The petitioner/Accused shall not in any manner contact either the *de facto* complainant or her family members, failing which the prosecution is at liberty to move for cancellation of bail granted to this petitioner/Accused.

iv) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 06.09.2022
ns