

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2127 of 2022

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A4 for grant of anticipatory bail in Crime No.360 of 2021 of Valigonda Police Station, Rachakonda Commissionerate, registered for the offences under Sections 417, 420, 376(2)(n), 201, 109 of IPC, Section 5(i) read with 6 of POCSO Act, 2012, Sections 3(1)(u) & 3(2)(v) of SCs & STs (POA) Amendment Act, 2015.

2. Heard both sides. Perused the record.

3. The specific allegation against the petitioner/A4 is that she instigated A1 in the subject crime not to marry the respondent No.2 herein/de-facto complainant. It is brought to the notice of this Court that A1 in the subject crime and respondent No.2/de-facto complainant got married on 28.02.2022. There is also record to substantiate the same. Further, the learned counsel for the respondent No.2/de-facto complainant conceded the marriage between A1 and the respondent No.2/de-facto complainant. The gravity of the offence is not so much against the petitioner/A4. Furthermore, whether the petitioner/A4 instigated A1 not to marry the respondent No.2/de-facto complainant or not is required to be

established in the course of investigation or during the trial of the case. Considering the totality of the circumstances, this Court is inclined to grant pre-arrest bail to the petitioner/A4 on the following conditions:

(i) The petitioner/A4 is directed to surrender before the Station House Officer, Valigonda Police Station, Rachakonda Commissionerate, within a period of 15 days from the date of this order.

(ii) On such surrender, the said Station House Officer shall release the petitioner/A4 on bail, on her executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with one surety for a like sum to his satisfaction.

(iii) The petitioner/A4 shall not, directly or indirectly, meddle with the investigation, intimidate or induce the witnesses, tamper the evidence and he shall co-operate with the Investigating Officer in the investigation of the subject case.

4. The Criminal Petition is, accordingly, allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

22nd March, 2022
Bvv