

HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 2141 OF 2022

ORDER:

Briefly stated, the facts of the case are that the de-facto complainant got acquainted with the petitioner in the year 2016 and thereafter, started calling the de-facto complainant and harassed her to satisfy his sexual desires failing which, he would kill her entire family. Further, the petitioner forcibly had sexual intercourse with the de-facto complainant in the absence of her husband and children. The de-facto complainant shifted to another house at Saidabad and in the new house also it is alleged that the petitioner committed forcible sexual assault on her. Thereafter, having taken the account number of the de-facto complainant, the petitioner deposited money twice and withdrawn from her account by her friend. The present complaint was lodged on 02.04.2021 and the police registered case alleging offence under Sections 376 and 506 of IPC in Crime No.119 of 2021 of P.S.Saidabad.

Learned counsel for the petitioner submits that the acquaintance of petitioner and complainant was from the year 2017 and though over a period of four years there was alleged

sexual assault, de-facto complainant never informed her husband or anyone else and the allegations in the case appear to have been made up.

Learned Public Prosecutor submits that earlier bail application in the trial Court was dismissed on the ground that the petitioner was absconding.

The facts of the case and the allegations made therein suggest that there are disputes between the petitioner and the de-facto complainant and also their relationship has turned sour as argued by the petitioner's counsel. Without giving any findings on the nature of relationship between the de-facto complainant and the petitioner, since there is an inordinate delay of nearly four years in lodging the complaint and that there are monitory transactions between the petitioner and the de-facto complainant, the relief of anticipatory bail can be granted to the petitioner.

The Criminal Petition is accordingly allowed and the petitioner/accused is granted anticipatory bail subject to the following terms and conditions:

- (1) The petitioner/accused is directed to surrender before the Station House Officer, Saidabad Police Station, and on such surrender, the said

Station House Officer shall release the petitioner/accused on bail on his executing a personal bond to the tune of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties to the like sum each to his satisfaction.

(2) The petitioner/accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

(3) Since the learned Public Prosecutor submitted that the petitioner was not available for investigation, the petitioner shall attend the concerned police station for a period of one week from 10.00 A.M. to 10.00 P.M. and thereafter, for a period of eight weeks on every Saturday at 10.30 A.M.

(4) In case of any such violation of the aforementioned conditions, the prosecution is at liberty to take steps in accordance with the law.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER,J

Date :25.03.2022
Ns/Abb/Bds

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Dated : 25.03.2022