

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.2538 of 2022

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.4 seeking to grant anticipatory bail in the event of his arrest in connection with Crime No.248 of 2021 on the file of Huzurnagar Police Station, Suryapet District, registered for the offences under Sections 417, 376(2)(n), 323, 504, 506 read with Section 34 of IPC.

2. Heard learned counsel appearing for the petitioner/accused No.4 and learned Assistant Public Prosecutor appearing for the respondent-State. Perused the record.

3. The prosecution case is that three years back A1 developed acquaintance with the *de facto* complainant and promised to marry her. Thereafter A1 had physical intimacy with the *de facto* complainant and indulged in sexual intercourse several times. Further A1 gave tablets

to the *de facto* complainant to avoid pregnancy. When the matter was taken up with the elders, the father, mother and petitioner/brother of A1 promised to do the marriage of A1 with *de facto* complainant. Thereafter on 17.10.2021 when the *de facto* complainant, her father and mother went to the residence of A1 and questioned about the marriage, A1, A2 and A3 refused and abused them orally and beat the *de facto* complainant physically with hands.

4. Learned counsel for the petitioner/accused No.4 submits that in the entire complaint except stating that the petitioner agreed for the marriage, there is nothing in the complaint to suggest either prior to or subsequent to the date of promise of marriage, the petitioner was in any way involved.

5. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioner.

6. In the said circumstances, I am inclined to grant anticipatory bail to the petitioner/accused No.4.

7. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.4 is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner/accused No.4 is directed to surrender before the Station House Officer, Huzurnagar Police Station, Suryapet District, within a period of 15 days from today, and on such surrender, the said Station House Officer shall release the petitioner/accused No.4 on bail on his executing a personal bond to the tune of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction.
- (ii) On such release, the petitioner/accused No.4 shall appear before the Investigating Officer as and when required for the purpose of investigation.
- (iii) The petitioner/accused No.4 shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C.

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

K.SURENDER , J

Date: 28.03.2022

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