

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.4053 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioners/Accused Nos.2 to 4 in the event of their arrest in Crime No.73 of 2022 on the file of Dammapet Police Station, Bhadravathi District, for the offences punishable under Sections 376, 385, 354(c), 506 read with Section 109 of Indian Penal Code and Section 67 of Information Technology Act, 2000-2008.

2. The brief facts of the prosecution case are that the *de facto* complainant/victim lodged a complaint before the Sub-Inspector of Police, Dammapet, alleging that Accused No.1 committed rape on her and video-graphed the scene and forwarded it to her and demanded Rs.5,00,000/- for not publishing the said video.

3. Learned counsel for the petitioners submitted that due to personal vengeance, the victim has filed the present false complaint and the petitioners/Accused Nos.2 to 4 were falsely implicated in this case. There are no specific allegations against the petitioners and they were made as accused in the FIR only to harass them, though, they never committed

any offence, as alleged by the *de facto* complainant/victim. It is the further submitted that the victim was working in a private company and met Accused No.1 at Khammam and they had intimacy with each other. Accused No.2 is a heart patient, Accused No.3 is a physically disabled person, having a disability of 50% and Accused No.4 is the resident of another village. Therefore, prayed to grant Anticipatory Bail to the petitioners/Accused Nos.2 to 4.

4. Learned Assistant Public Prosecutor submitted that the case is still under investigation and 164 Cr.P.C. statement of the victim is also not yet recorded, though the medical examination has been conducted.

5. Heard the learned counsel for petitioners/Accused Nos.2 to 4 and the learned Assistant Public Prosecutor for respondent-State. Perused the record.

6. On perusal of the medical record, it is evident that the victim is not a virgin and moreover there were hanging marks on her neck and cut marks on her wrist. As per the complaint, Accused No.1 was committed rape in the year 2020 and the complaint was lodged on 15.04.2022. Moreover, there is no specific allegation against the petitioners/Accused Nos.2 to 4 with respect to the offence under Section 376 of IPC and the

other offences alleged against the petitioners are bailable. Therefore, it is a fit case to grant Anticipatory Bail to the petitioners/Accused Nos.2 to 4.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.2 to 4 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.1 to 4 are directed to surrender before the Additional Judicial Magistrate of First Class, Sathupally, within a period of ten (10) days from today, and on such surrender, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties to the like sum each to its satisfaction.

ii) The petitioners/Accused Nos.2 to 4 shall appear before the Station House Officer, Dammamet Police Station on every Sunday between 03.00 PM and 04.00 PM till filing of the charge sheet.

SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

Date: 12.05.2022
ns