

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.4393 OF 2022

O R D E R:

This Criminal Petition is filed under Section 438 of Cr.P.C. seeking pre-arrest bail to the petitioner/Accused in the event of his arrest in connection with Crime No.53 of 2022 on the file of Bejjur Police Station, Komarambheem Asifabad District, registered for the offences punishable under Sections 417, 420, 376(2)(n) of I.P.C. and Section 3(2)(v) of SC/STs (POA) Amendment Act, 2015.

2. The case of the prosecution is that the second respondent/*de facto* complainant filed the complaint stating that she got acquainted with the petitioner and had physical relation, however, she later came to know that the petitioner was married and had children, when confronted, the petitioner alleged to have accepted that he would look after both his wife and the second respondent equally, for which reason, the second respondent was satisfied and thereafter, they continued physical relationship. In the said process, the second respondent was impregnated by the petitioner and at the time of delivery, the baby was not in good condition and when taken to the hospital, they declared as brought dead. Thereafter, the body was buried and the petitioner promised to speak to his elders, however, he never approached either the second

respondent or her parents and did not fulfill the promise to marry second respondent.

3. As seen from the complaint, the second respondent had in fact consented to the physical relation, after coming to know about the marriage of the petitioner/accused, however, she continued relation for the reason of promise made by the petitioner to marry her and look after both his wife and second respondent equally. In the said circumstances, there is no allegation in the entire complaint to attract any of the offences under SC/STs (POA) Act, as the *de facto* complainant/second respondent never mentioned about any acts committed by the petitioner having knowledge about the caste of the second respondent. Further, in the circumstances of the case, custodial interrogation will not be necessary.

4. For the said reasons, this Court is inclined to grant Anticipatory Bail to the petitioner/Accused on the following conditions:

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Bejjur Police Station, Komarambheem Asifabad District, within a period of 10 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five

Thousand only) with two sureties in a like sum each to his satisfaction.

- 2) On such release, the petitioner/Accused shall report before the said Station House Officer on every first and third Mondays between 09.00 a.m. and 11.00 a.m., for a period of three months or till filing of the charge sheet, whichever is earlier.
- 3) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Accordingly, the criminal petition is allowed.

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

K.SURENDER,J

Date :08.06.2022
svl/ns

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Dt.08.06.2022

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