

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4509 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused No.1 in the event of his arrest in Crime No.308 of 2022 on the file of Sanathnagar Police Station, Cyberabad, registered for the offences punishable under Sections 376, 420 and 506 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for petitioner/Accused No.1 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the *defacto* complainant is that she was acquainted with this petitioner in the year 2013 and started investing in the company of the petitioner for making profits. Accordingly, over a period of time she invested around Rs.5,00,00,000/- taking amounts from her relatives and other acquaintances. During this period the petitioner allegedly took advantage of the *defacto* complainant and participated in sexual intercourse against her

consent and this had been going on since the year 2015. After the *defacto* complainant came to know that the company of this petitioner namely Shiva Bharathi Estates was running into losses she had confronted this petitioner for her part of the invested amount. When the petitioner threatened the *defacto* complainant and her family members with dire consequences, the *defacto* complainant filed the present complaint.

4. Learned counsel for the petitioner submits that even according to the complaint both the petitioner and *defacto* complainant are majors and there are several transactions over a period of nearly nine years regarding investments in real estate business and the reason for the present complaint is the monetary disputes which arose between the petitioner and *defacto* complainant. Hence, prayed to grant anticipatory bail to the petitioner/Accused No.1.

5. Learned Assistant Public Prosecutor submits that since the allegations are of rape, the petitioner cannot be granted the relief of Anticipatory Bail.

6. As seen from the record, the petitioner and the *defacto* complainant are acquainted over a period of nine years and admittedly they were doing business in real estate. The present complaint came to be filed after a period of nearly nine years, during which period the *defacto* complainant alleges that the petitioner had physical intimacy with her. Since there are monetary transactions and there is an inordinate delay to report the acts of the petitioner amounting to rape and further, the custodial interrogation in the facts and circumstances may not be necessary, this Court is inclined to grant Anticipatory Bail to the petitioner/Accused No.1.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.1 is directed to surrender before the Station House Officer, Sanathnagar Police Station, Cyberabad, within a period of ten (10) days from today, and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each to its satisfaction.

ii) The petitioner/Accused No.1 shall appear before the concerned Station House Officer on every 1st and 3rd Saturday between 10.30 AM and 01.00 PM for a period of two (02) months or until filing of charge sheet, whichever is earlier.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 10.06.2022
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K.SURENDER, J