

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5971 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking bail to the petitioner who is arrayed as Accused No.1 in the event of his arrest in Crime No.431 of 2022 on the file of Station House Officer, Alwal Police Station, Cyberabad registered for the offences punishable under Sections 417 and 420 of Indian Penal Code.

2. Heard learned counsel for the petitioner/Accused and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The allegation against this petitioner is that he had acquaintance with the *de facto* complainant since September, 2021. She joined the company of this petitioner where the petitioner was working as a director. The *de facto* complainant was reporting to this petitioner about her work and they also travelled together on business purposes. On one occasion in Bangalore they had sexual intercourse and thereafter the petitioner allegedly stated that he would give divorce to his wife and marry the *de facto* complainant.

Ultimately in the month of March, 2022 when the *de facto* complainant questioned his commitment regarding marriage he took the *de facto* complainant to his flat and while his wife and daughter were sleeping, had sex in the hall. Aggrieved by the petitioner in not marrying the *de facto* complainant, the present complaint is filed. The police during the course of investigation have altered the provision of law from Section 420 of IPC and added Section 376(2)(n) of IPC.

4. Learned counsel for the petitioner submits that even according to the complaint there was a construal between the petitioner and the *de facto* complainant and since their relation turned sour, the *de facto* complainant filed the present complaint making false allegations.

5. As seen from the allegations of the complaint, the petitioner and the *de facto* complainant have travelled to different places and also had physical relation over a period of time. In the said circumstances, this petitioner/Accused No.1 can be granted the relief of anticipatory bail.

6. 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, Alwal Police Station, Cyberabad on 18.07.2022 and on such surrender, he shall be enlarged on bail on his executing personal bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each, to its satisfaction.
- ii) The petitioner/Accused No.1 shall appear before the investigating officer for assisting investigation from 18.07.2022 to 23.07.2022 on every day in between 10.30 AM and 01.00 PM and thereafter on every Monday between 10.30 AM and 01.00 PM for a period of eight (08) weeks.
- iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 12.07.2022
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