

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.6109 OF 2022

ORDER:

This Criminal petition is filed under Section 438 of Cr.P.C., seeking pre-arrest bail to the petitioner/Accused No.3 in the event of his arrest in connection with Crime No.426 of 2022 which was subsequently transferred to P.S. Adibatla and was registered as Crime No.249 of 2022 pending on the file of Station House Officer, Adibatla Police Station, Rachakonda Comissionerate, registered for the offence punishable under Sections 376(2)(n), 324, 506, 109, 417 IPC and Sections 3(2)(v), 3(2)(Va) of SCs & STs (POA) Act.

2. Heard the learned counsel for the petitioner/Accused No.3 and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The allegation against the petitioner is that Accused No.1 committed rape and thereafter, cheated the *de facto* complainant who belongs to schedule caste and aggrieved by that, she filed a complaint which was registered for the said offences. The counsel has filed memorandum of understanding which is dated 31.05.2022 filed before the National Human Rights Commission and Women Child Development Commission which is the understanding between the accused and the

defacto complainant stating that she intends to withdraw the complaint made to the Human Rights Commission as the matter was settled. However, subsequent to the said undertaking, she has filed a complaint dated 14.06.2022 with the very same allegations which are prior to 31.05.2022. There is no allegation in the complaint regarding anything that transpired after the memorandum of understanding dated 31.05.2022. On verification, the Public Prosecutor would submit that the *de facto* complainant had filed similar complaints against other persons. In the said circumstances, the prayer for anticipatory bail can be considered on the following conditions:

- (i) The petitioner/accused No.3 is directed to surrender before the Station House Officer, Adibatla Police Station, Rachakonda Commissionerate, within a period of ten days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/accused No.3 on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to his satisfaction.
- (ii) On such release, the petitioner/accused No.3 shall report before the said Station House officer as and when required for the purpose of investigation.
- (iii) The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C. and shall cooperate with the Investigating Officer in investigating the case.

4. Accordingly, the Criminal Petition is allowed.
5. Miscellaneous applications, if any pending in this Criminal Petition, shall stand closed.

JUSTICE K.SURENDER

Dt.28.07.2022

ysk

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.6109 OF 2022

Dt.28.07.2022

ysk