

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8462 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused in Crime No.875 of 2022 pending on the file of Station House Officer, Vanasthalipuram Police Station, Rachakonda registered for the offences punishable under Sections 452, 376(2), 307, 448 and 365 of Indian Penal Code and Section 30 of Arms Act.

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

3. The facts of the case are that the vanasthalipuram police on the basis of the complaint filed by the *de facto* complainant registered the present case against the petitioner. It is alleged in the complaint that the complainant's husband was involved in a case which was registered by this petitioner in the year 2018. As the said case was taken up for investigation by this petitioner, the

defacto complainant's husband worked in his farm and this petitioner paid salary to him depositing the same into the account of *de facto* complainant till February, 2021. At one point of time, the petitioner allegedly sent one Sub-Inspector and constables to the house of the defacto complainant and took them to the taskforce office, there they hit her husband and took photographs and videos by placing some ganja packets in his hands. They also took signatures on a paper undertaking that he should not inform about the matter to the family of the petitioner or else they will register ganja case against him. Thereafter on 06.07.2022 the petitioner made a whatsapp call to the *de facto* complainant and asked her to satisfy him sexually and spoke in an offending manner which was informed to the husband of the *de facto* complainant. By the time the husband of the *de facto* complainant came to their house on 07.07.2022, this petitioner was allegedly with the *de facto* complainant and raped her, then her husband broke open the door and hit the petitioner with a stick. Then the petitioner took a revolver, put the same on her husband's forehead and they travelled in a car towards Ibrahimpatnam which met with an accident and thereafter he escaped from there.

4. The learned counsel for the petitioner submits that a false case has been filed against this petitioner keeping in view the earlier case registered against her husband. He further submits that two other cases were registered against two other persons for the offence punishable under Section 354 of IPC and argues that she is in the habit of making false allegations and requested to grant bail.

5. Learned counsel appearing for the *de facto* complainant submits that the high handed nature of the petitioner had lead to the *de facto* complainant's husband working as a farm servant in his farm. He had indulged in trying to fabricate cases against the *de facto* complainant's husband. Further, the CC TV footages were also tampered with. In such a case unless the trial commences and the victim statement is recorded, the petitioner should not be released on bail.

6. Learned Assistant Public Prosecutor appearing for the respondent-state submits that the cases are heinous in nature and taking undue advantage of his position, the petitioner had indulged in acts of rape and also fabricated evidence and one of the witnesses who acted as a panch was threatened in front of

investigating officer during the course of investigation. For which reason, the petitioner is not entitled to be released on bail. Further, he submits that steps are being taken to constitute a special Court to complete the trial on a fast-track basis.

7. As seen from the evidence on record, this petitioner had earlier booked two criminal cases against the husband of the *de facto* complainant. Thereafter even according to the remand report, there were family relations between the petitioner, *de facto* complainant and her husband. In the remand report it is mentioned that the petitioner had visited the birthday parties of her children on two occasions. Further, the remand report reflects that there was an incident which occurred on 28.02.2021 when the petitioner had made a whatsapp call. Thereafter, the alleged incident has taken place after a period of 1½ year. There are several issues on either side which create a suspicion about all the instances that have been narrated as argued by the learned counsel for the petitioner. The police have collected semen swabs from the victim and found that the DNA was that of the petitioner. Further, the wearing apparel and the bed sheet were also seized.

8. In the said circumstances, since the petitioner is in jail since 11.07.2022 and even according to the learned Assistant Public Prosecutor major part of the investigation is complete by sending the requisite material objects for FSL report. The apprehension that he might tamper with evidence or threaten witnesses can be dealt with by imposing conditions.

9. Accordingly, the Criminal Petition is allowed and the petitioner/Accused is granted bail subject to the following conditions:

i) The petitioner/Accused is directed to be released on bail on his executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of XIV Additional Metropolitan Magistrate, Cyberabad at Hayathnagar.

ii) After release on bail, the petitioner/Accused shall appear before the concerned Station House Officer everyday at 10.00 AM for a period of two (02) months or until filing of charge sheet, whichever is earlier.

iii) In the event of the petitioner trying to tamper with evidence on hand or threaten the witnesses, the bail is liable to be cancelled.

iv) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 28.09.2022
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K.SURENDER, J