

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8801 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioners/Accused Nos.2 to 4 in the event of their arrest in connection with Crime No.71 of 2022 on the file of Station House Officer, Zaffargadh Police Station, Jangaon District registered for the offences punishable under Sections 376(2)(n) and 312 of Indian Penal Code and Section 3 (2)(v) of SC/ST POA Act, 2015.

2. Heard the learned counsel for the petitioners/Accused Nos.2 to 4 and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The complaint was filed alleging that Accused No.1 was acquainted with the sister of the *de facto* complainant and they were in relation. Accused No.1 promised to marry her and on the said pretext he took her to several places, took pictures and also sent such pictures to his friends, all this, while they were having physical relation. Though there was an assurance to marry, Accused No.1 refused to marry the victim and these petitioners who are elder

sister, brother-in-law and father of Accused No.1 were against the marriage, for which reason they are arrayed as Accused.

4. Admittedly, all the allegations of rape are against Accused No.1. Only for the reason of these petitioners who are relatives are not consenting to the marriage are arrayed as accused. In the said circumstances, these petitioners/Accused Nos.2 to 4 can be granted the relief of anticipatory bail.

5. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.2 to 4 are granted anticipatory bail subject to the following conditions:

i) The petitioners/Accused Nos.2 to 4 are directed to surrender before the of Station House Officer, Zaffargadh Police Station, Jangaon District within ten (10) days from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.2 to 4 shall appear before the investigating authorities as and when required for the purpose of investigation.

iii) The petitioners/Accused Nos.2 to 4 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

Date: 19.10.2022
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