

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10202 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in connection with Crime No.379 of 2021 of Nalgonda I Town Police Station, registered for the offences punishable under Sections 376, 377, 382, 342, 420 of IPC, seeking bail.

2. A report was lodged by the *de facto* complainant stating that in the year 2003 she got married with one Valigonda Anandam and later in the year 2016 she got divorce from him. Thereafter when she was working in a private school, petitioner developed intimacy with her and he had sexual intercourse with her stating that he would marry her. Believing the words of petitioner, she started living with him at YMCA office and they continued their relationship as wife and husband. Later, petitioner has also taken Rs.10 lakhs, which she got at the time of divorce from her husband stating that he would provide a government job to her and purchase a new house. Thereafter petitioner took her to a rented room situated at Durga Colony, BTS Nalgonda and they stayed there for 2½ years, where he enjoyed her sexually without her will. Finally on 31.10.2021 at 2.00 p.m. petitioner came to the house, attacked on her and when she raised cries, he fled away. Basing on the said, the present crime was registered.

3. Heard Sri Ch.Srinivas, learned counsel for petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

4. Learned Assistant Public Prosecutor submits that he informed the *de facto* complainant about the hearing of case. On 05.01.2022, *de facto* complainant was present before this Court and sought time for engaging advocate. Today when the matter came up hearing, *de facto* complainant was not present and no vakalat was filed on her behalf. Hence, this Court is proceeding to hear the learned counsel on either side, since the petitioner is languishing in jail from 09.11.2021.

5. Learned counsel for petitioner submits that petitioner is alleged to have committed the offences punishable under Sections 376, 377, 382, 342, 420 of IPC and thereafter as the complainant belongs to SC Community Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 was added. He submits that even as per the complaint, *de facto* complainant obtained divorce and thereafter started living with the petitioner and both of them are working in the same church and in that process, they have developed physical relationship. He submits that it is purely consensual relationship between the parties and after the petitioner got married on 26.10.2021, the present case was foisted against him making wild allegations. He submits that petitioner is languishing in jail from the last 60 days, his case may be considered for grant of bail.

6. *Per contra*, learned Assistant Public Prosecutor submits that there are allegations against the petitioner attracting the offences under Sections 376, 377, 382, 342, 420 of IPC and under the provisions of SC ST Act. He submits that 164 Cr.P.C statement of victim is yet to be recorded and so far seven witnesses were

examined and as there are grave allegations against the petitioner, he is not entitled for bail.

8. Taking into consideration the fact that petitioner is languishing in jail from the last 60 days and it is a consensual relationship between the parties and nothing is forthcoming to show that if the petitioner is enlarged on bail, there is likelihood of tampering with evidence and threaten the witnesses, this Court deems it appropriate to enlarge the petitioner on bail.

9. In the result, criminal petition is allowed and the petitioner / Accused shall be enlarged on bail in connection with Crime No.379 of 2021 of Nalgonda I Town Police Station, on his executing a bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to the satisfaction of Judicial First Class Magistrate, Nalgonda.

As a sequel, all the pending miscellaneous applications shall stand closed.

7th January, 2022

PVD

LALITHA KANNEGANTI, J

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

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07.01.2022

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