

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10089 of 2021

This petition is filed under Section 438 of Code of Criminal Procedure, 1973 seeking bail to the petitioners/A.2 and A.4 in connection with Crime No.33 of 2021 of Paloncha Town Police Station, Bhadradri- Kothagudem District, wherein the petitioners are alleged to have committed the offences punishable under Sections 376, 506 and 385 read with 109 IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. A complaint was lodged by the de facto complainant stating she is working as servant maid in the house of one Kalavathi (A.5) and on 13.01.2021 at 11.00 a.m. when she went to the house of Kalavathi, accused persons were in the house and after completion of work, while she was about to leave, the said Kalavathi had given tea to drink. After drinking tea, she felt giddy and fell unconscious. A.1 raped her forcibly. As she was shouting, the remaining accused persons stopped her and also videographed the said incident. She was threatened to be killed, if she files a complaint to the police. She was threatened to show the matter to her husband and get necked out of the house. Out of fear, she could not give the complaint to the police. The accused persons increased their threats and demanded Rs.5,00,000/- or else the video will be uploaded to internet. Basing on the said private complaint, the present crime was registered.

3. Heard Mr.S.Madan Mohan Rao, learned counsel for petitioners and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the incident had taken place on 13.01.2021 at about 11.00 a.m. and the complaint was lodged on 30.01.2021 and there is delay of 18 days, which shows that the present complaint has been lodged as an afterthought. He further submits that A.5 is the daughter of the second wife of one Bandi Nagulu and the de facto complainant is the daughter-in-law of the first wife of Bandi Nagulu. In fact, the de-facto complainant's husband has involved in the murder case of deceased Bandi Nagulu and a complaint was also lodged under Section 302 of IPC. He submits that the present complaint has been lodged as an afterthought and the petitioners have been falsely implicated in this case. He further submits that though the complaint was lodged on 30.01.2021, so far the investigation is not completed and ever after lapse of eleven months, police failed to file charge sheet. Petitioners/A2 and A4 are working as collies and they are ready to cooperate with the investigation and their case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that the petitioners were absconding and only A.1 was arrested. He further submits that there are specific allegations against these petitioners. Therefore, the petitioners are not entitled for pre-arrest bail.

6. Taking into the consideration the fact that there are previous disputes between the parties and a case was registered against the de-facto complainant's husband and the present complaint was lodged with a delay of 18 days, this Court deems it appropriate to grant pre-arrest bail to the petitioners/A.2 and A4.

7. The Criminal Petition is allowed. Petitioner – Accused Nos.2 and 4 shall surrender before the Station House Officer, Paloncha Town Police Station, Bhadravadi-Kothagudem District, in connection with Crime No.33 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted.

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

LALITHA KANNEGANTI, J

3rd January, 2022

sj