

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 10271 OF 2021

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused seeking bail in the event of his arrest in connection with Crime No. 408 of 2021 on the file of Bachupally Police Station registered for the offences punishable under Sections 376(2)(n), 420, 323 IPC. and Section 3(1)(w)(II) of SCs. & STs. (Prevention of Atrocities) Act.

2. The case of prosecution is that petitioner introduced himself as Sowmya by creating fake ID in facebook and chatted with complainant and others. While so, on 28.05.2016, at about 18.00 hours, petitioner called complainant to meet him near Vijetha Super Market, Pragathinagar and thereafter, on 31.05.2016, at about 19.00 hours, complainant went to Goa along with petitioner where petitioner revealed that he is in love with her. Consequently, they developed physical relationship and lived together. It is alleged that on 02.05.2021, when complainant informed petitioner that she conceived pregnancy, petitioner threatened her with dire consequences using her caste name and got the pregnancy terminated.

3. Learned counsel for petitioner Sri J.C. Francis submits that in fact, de facto complainant wanted to withdraw the report. He submits that earlier, Criminal Petition No. 6958 of 2021 was filed before this Court. When both the parties wanted to enter into compromise as the same was in crime

stage, this Court disposed of the said Criminal Petition giving liberty to petitioner to file a joint memo before the Investigating Officer of the Police Station concerned, by order dated 22.11.2021. Learned counsel submits that petitioner and de facto complainant filed a joint memo dated 06.12.2021. He submits that in spite of the same, as police are trying to arrest petitioner, this Criminal Petition has been moved.

4. Learned Assistant Public Prosecutor submits that there is an offence under the provisions of the SCs. & STs. (Prevention of Atrocities) Act and as per Section 15-A of the Act, de facto complainant has a right of audience. However, in this case, petitioner has not made de facto complainant as party, as such, this Application cannot be heard at this stage.

5. Looking at the allegations in the complaint, both complainant and petitioner were in relationship for about five years and certain disputes arose between them and a report was lodged in that regard. In the joint compromise memo, it is stated that they were married before Arya Samaj on 10.08.2021 and the report was given under misconception and complainant does not intend to prosecute or press the report and that they have also informed the same to the Court when Criminal Petition No. 6958 of 2021 came up for hearing. In that view of the matter, this Court deems it appropriate to grant pre-arrest bail to petitioner.

5. Accordingly, this Criminal Petition is allowed. Petitioner – Accused shall surrender before the Station House Officer, Bachupally Police Station in connection with Crime No.

408 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

07th January 2022

LALITHA KANNEGANTI, J

ksld

