

THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

CRIMINAL PETITION No.11420 OF 2022

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners/A.1 & A.2 in connection with Crime No.685 of 2022 on the file of Jagadgirigutta Police Station, Cyberabad Commissionerate, wherein the petitioners alleged to have committed the offences punishable under Sections 366, 342, 376-D of the Indian Penal Code.

2. The brief facts of the case are that A.1 has introduced himself to the victim through Instagram and on 18.09.2022 at 17:00 hrs she left home by saying to her owner that she is going to meet her husband. Later she met A.1 and both of them proceeded in a car and when victim asked A.1 about the destination he said that they are going to Vijayawada. Then she requested him to drop her at her house, but he forcibly took her to Vijayawada and on the way two persons boarded the car and all of them have consumed alcohol and made the victim to drink alcohol. Thereafter, they took her to same place and forcibly participated in sexual intercourse and thereafter she was taken to Kondapally and when the victim requested

A.1 to drop her at her house on 20.09.2022 he dropped her somewhere else, from there she went to Uppal Police Station and lodged a complaint.

3. Heard learned counsel for the petitioners and Additional Public Prosecutor.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence of Section 376-D of IPC. He further submits that the victim has voluntarily accompanied them. Therefore Section 336 of IPC does not attract the offence. He further submits that entire investigation is completed and the petitioner was in judicial custody since 03.10.2022 and prayed to enlarge the petitioners on bail.

5. Learned Additional Public Prosecutor opposed the bail application and submits that if bail is granted, the petitioners may influence the witness and tamper the evidence and prays to dismiss the petition.

6. In the present case, it is the allegation against the petitioners/A.1 and A.2 that they have forcibly taken the victim in a car and committed sexual intercourse on her. Whereas A.1 and A.2 pleaded innocence however truth or otherwise will be decided after full trial. At this stage it

has to be seen whether investigation is completed or not. The perusal of the record discloses that the entire investigation is completed except filing the charge sheet and all the witnesses including the Investigating Officer is examined and the petitioners are in judicial custody for more than 85 days. Under these circumstances, I am inclined to grant bail with certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioners/A.1 and A.2 are granted bail subject to the following terms and conditions:

- (1) The petitioners/A.1 and A.2 shall be released on bail on their executing a personal bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each to the like sum to the satisfaction of XIV Additional Metropolitan Magistrate, Kukatpally at Prashanthnagar, Cyberabad.
- (2) The petitioners shall personally appear before the Station House Officer, Jagadgirigutta Police Station, Medchal-Malkajgiri District on each Saturday between 10 a.m. to 6 p.m., for a period of two months or till filing of charge sheet, whichever is earlier. Thereafter, the petitioners shall personally appear before the Court concerned on each date of hearing.
- (3) The petitioners/A.1 and A.2 shall not influence the prosecution witnesses.

Consequently, miscellaneous applications pending, if any, shall stand closed.

M.G. PRIYADARSINI, J

Date :28.12.2022

VSL

THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

CRIMINAL PETITION NO.11420 OF 2022

DATE: 28-12-2022

VSL