

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.4534 OF 2023

ORDER:

1. This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioners are accused Nos.1 and 2 in Crime No.51 of 2023 of Raikal Police Station, Jagtial District. The offences alleged against the petitioners are under Sections 448, 354, 376 (2) (n) and 506 read with 109 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that the accused had acquaintance with the victim since they are childhood friends of her husband. In the month of October, 2022, accused No.1 attempted to outrage the modesty of the victim and it is also stated that there were frequent allegations on the accused with regard to outraging of modesty and asking her to fulfill their sexual desires, which were resisted by the victim. While so, on 14.02.2023, in the night when she went near a tamarind tree, the accused allegedly forced her to fulfill their sexual desires and committed rape. In this regard, she filed the present complaint before the police on 11.04.2023.

3. It is the contention of the learned counsel for the petitioners that the present crime is falsely lodged against the petitioners/accused for demanding the amount which they have lent to the victim and they are no way concerned with the false allegations made in the complaint.

4. Learned Public Prosecutor opposed the grant of anticipatory bail to the accused and seeks their custody.

5. As seen from the record, the allegations against the accused are made from the month of October, 2022 and even on 14.02.2023 the victim alleged that the accused committed the offence, but she did not give complaint immediately. The details of alleged threatening of the accused are also not given and the reference of money transaction between the parties is also suppressed. In the said circumstances, this Court feels that the accused can be extended the benefit of the anticipatory bail.

6. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

(i) The petitioners/accused Nos.1 and 2 are enlarged on bail in the event of their arrest in connection with FIR No.51 of 2023 on the file of the Station House Officer, Raikal Police Station, Jagtial District, on their executing personal bond for a sum of Rs.25,000/- (Rupees

Twenty Five Thousand only) each with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

(ii) The petitioners/accused Nos.1 and 2 shall appear before the Station House Officer, Raikal Police Station, Jagtial District on every Sunday between 10.00 am and 05.00 pm, till completion of investigation and filing of final report.

(iii) The petitioners/accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

Date: 08.06.2023
GVR