

HON'BLE SRI JUSTICE A. SANTHOSH REDDY

CRIMINAL PETITION No.4559 of 2023

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 seeking release on regular bail in connection with Cr.No.402 of 2023 of Meerpet P.S., Rachakonda District, registered for the offences punishable under Sections 376(2)(n), 417, 420 and 506 of IPC.

2. Heard Sri K.Satish Chakravarthy, learned counsel for the petitioner and learned Additioanl Public Prosecutor for the respondent-State.

3. The case of prosecution is that on on 11.03.2023 at 2045 hours, the victim woman lodged complaint with police stating that in the month of May, 2020 she met with the accused No.1 viz., Jatothu Kalyan through Instagram and after two years of their friendship, the accused No.1 proposed his love to her and she accepted the same and thereafter on 03.05.2022, he took her to Town House Hotel at Moosapet and made her to consume intoxicated cook drink and when she was unconscious, he forcibly had sexual intercourse with her and when she questioned the accused No.1 when she got conscious, he promised to marry her and also took her to his house at Amberpet and told to his parents, who also agreed to their

marriage and asked for some time and she believed their words, but thereafter also on several occasions, i.e., on 13.05.2022, 01.08.2022, 26.08.2022 and 13.11.2022 the accused took her to the hotels and had sexual intercourse forcibly, and on her questioning about the marriage, he postponed the matter and since last two months, accused avoided the complainant and when asked about the marriage, she threatened her with dire consequences. Further, the accused i.e., sisters and brother-in-law of accused also went to the house of the complainant and threatened her with criminal intimidation. Hence, she sought to take action. Basing the said complaint, police registered the above crime and took up the investigation.

4. Learned counsel for the petitioner/Accused submits that the petitioner is innocent and has been falsely implicated in this case at the instance of the de-facto complainant. He submits that the petitioner was only seeking time for getting married as he was not prepared. He further submits that the petitioner was arrested on 14.03.2023 and he is in jail since then and seeks for grant of bail to the petitioner. In support of his contention, learned counsel placed reliance on the decision of the Hon'ble Apex court in **Dr.DHRUVARAM**

MURLIDHAR SONAR v. THE STATE OF MAHARASTRA & ORS¹.

5. On the other hand, learned Additional Public Prosecutor opposing grant of bail to the petitioner.

6. A perusal of the entire record would reveal that the petitioner/accused No.1 had sexual intercourse with the *de facto* complainant on the false promise to marry her. Therefore, in the facts and circumstances of the case, the consensual sex on a false promise of marriage may not fall within the ambit of alleged offence under Section 376(2)(n) IPC.

7. Considering the judgment of the Hon'ble Apex Court in **Dr.DHRUVARAM MURLIDHAR SONAR** (supra) and the submissions of learned counsel for the petitioner, this criminal petition is allowed, subject to the following and conditions:

- (i) The petitioner/accused No.1 shall be released on bail on his executing a personal bond for Rs.20,000/- (Rupees Twenty thousand only) with two sureties each to the like sum to the satisfaction of the learned Magistrate concerned.
- (ii) The petitioner shall personally appear before the investigating officer on each Saturday between

¹(2019) 18 SCC 191

10 a.m. and 2 p.m., for a period of three months or filing of charge sheet, whichever is earlier.

- (iii) The petitioner shall co-operate with the Investigating Officer during investigation of the case.

4th May, 2023
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A. SANTHOSH REDDY, J

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