

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 4593 OF 2023

ORDER:

1. The present application under Sections 437 and 439 of Criminal Procedure Code, is filed by the petitioner/accused seeking to grant bail to him in Crime No.50 of 2023 of Trimulgherry Police Station, Hyderabad District, which was registered for the offences punishable under Sections 376 (2) (n), 315, 417, 323, 504 and 506 of I.P.C.

2. The main allegations against the petitioner are that the victim was employed with him and she was staying under the same shelter. In the month of January, 2023 while the victim was alone in the accommodation provided by the petitioner/accused, one day in the night hours the petitioner/accused has entered into the room and forcibly committed rape on her and when she intended to lodge a complaint, he promised to marry her and thereafter multiple times he had sexual intercourse in the month of February and later she came to know that she became pregnant. On 08.03.2023 in the evening hours, the sister and brother-in-law of

the petitioner/accused have forced the victim to undergo abortion and threatened her with dire consequences when she refused to undergo abortion and thereafter the present complaint has been lodged on the next day.

3. Learned counsel for the petitioner/accused has contended that the allegations in the complaint are even taken to be true it is a consensual sex as demonstrated from the delay in reporting F.I.R. as well as subsequent sexual intercourse.

4. Learned Public Prosecutor opposed the bail application.

5. As seen from the complaint itself, if really there was a forcible sex in the month of January, 2023, a complaint would have been lodged immediately after the incident. Further, there is no date of original offence and the subsequent consensual sexual intercourse is alleged to be given out of promise of marriage. Considering the above allegations, period of remand and the progress of investigation, this Court is inclined to grant bail to the petitioner/accused on certain terms and conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:

- (i) that the petitioner/accused shall execute a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the XXII Additional Chief Metropolitan Magistrate, Secunderabad.
- (ii) that the petitioner/accused shall not tamper with the prosecution witnesses;
- (iii) that the petitioner/accused shall co-operate with the investigating agency.
- (iv) that the petitioner/accused shall not misuse the liberty granted to him.

JUSTICE M. LAXMAN

25.05.2023
gkv/Pld

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 4593 of 2023

Date: 25.05.2023

gkv/Pld