

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.4747 of 2023

ORDER:-

1. This petition is filed under Sections 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to enlarge the petitioner/accused No.1 on anticipatory bail in the event of his arrest in F.I.R.No.77/2023 on the file of the Station House Officer, Yellareddy Police Station, Kamareddy, Nizamabad District for the offences punishable under Sections. 376(2), r/w 109 of Indian Penal Code, 1860 (for short "I.P.C") and Sections. 3 r/w 4, 17 of the the Protection from Children from Sexual Offences Act, 2012 (for short POCSO Act and Sections.3(1)(r), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC ST Act").

2. Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent.

3. The sum and substance of the case of the prosecution is that accused No.1 is the owner of the brick kiln situated at Gandimaisanipet Village, Yellareddy Mandal, Kamareddy. On 21.02.2023, at about 10:00 hrs accused No.2 allegedly approached the victim girl and asked her to work in the brick kiln. Accused No.2 went to the victim girl and informed her to accept

the desire of Accused No.1. Later, accused No.1 forcibly committed sexual intercourse with the victim girl by putting her in fear stating that if she did not accept his proposal, he would disclose her love affair with one Prashanth to her father. After some time, the girl eloped, was with one Prashanth against whom a complaint was registered.

4. The contention of learned counsel for the petitioner is that one Prashanth eloped the victim, who was working under him and he was responsible for the same. Hence, the elders directed one Prashanth to pay compensation. When the same was not paid, they were insisting the present petitioner to pay compensation. The petitioner refused to pay compensation. Hence, the present complaint.

5. It is also the contention of the learned counsel that if really this incident occurred, then only, the victim must have spoken about this incident, when she was examined by the police in connection with the previous crime which was registered subsequently to the present alleged incident. The above ground clearly makes out that this case is foisted falsely.

6. Learned Public Prosecutor opposed for the grant of bail to the petitioner.

7. As seen from the previous F.I.R. registered on 29.03.2023 against one Prashanth and his mother, accused No.1 therein was the driver of the truck which was engaged in the transportation of bricks kiln and he eloped with the girl, who was a labour. The said F.I.R. was registered basing on the report of father of the girl. The girl was examined in the said case and she did not speak about the present incident. The present F.I.R. was registered subsequent to the previous one alleging the commission of the offence of rape was allegedly committed before first F.I.R. since, the previous report of the victim was silent about this incident. There are chances of false implication, as contended by the petitioner and the same cannot be ruled out. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

8. In the result, the Criminal Petition is allowed and the petitioner is granted anticipatory bail subject to the following conditions:

- i) The petitioner is enlarged on bail in the event of his arrest in connection with F.I.R.No.77/2023 on the file of the Station House Officer, Yellareddy Police Station, Kamareddy, Nizamabad District on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty

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

ii) The petitioner shall appear before the concerned Police on every Friday between 10:30 A.M. to 5:00 P.M. for a period of six (6) months.

iii) The petitioner shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigating agency. He shall not act in any manner which will be prejudicial to fair and expeditious investigation.

iv) The petitioner 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.

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

Date: 12.06.2023
ESP

M. LAXMAN, J

5

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.4747 of 2023

Date:12.06.2023

ESP/FM