

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.4760 of 2023

ORDER:-

This petition is filed under Sections 437 and 439 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to enlarge the petitioner/accused on bail in F.I.R. No.175 of 2023 on the file of the Station House Officer, Saidabad Police Station, Hyderabad for the offences punishable under Sections 417, 420 and 376(2)(n) of the Indian Penal Code, 1860 (for short, "I.P.C.").

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 the accused allegedly promised a victim girl, aged about 21 years. The accused is the brother in law of the victim's sister. The petitioner and the victim girl fell in love with each other when the girl was staying at Hyderabad at her sister. On 07.07.2022 when the girl was alone in the house, with a promise of love and marriage, the accused allegedly committed sexual intercourse with the girl. Subsequently, there were negotiations between the family members. But there was no response from the accused. Therefore, the present complaint.

4. The investigation reveals that it appears to be a consensual sexual intercourse between the petitioner and the victim girl. The petitioner is in jail since 42 days and this is a case of breach of promise of marriage. Since, most of the investigation is complete, further detention of the petitioner is unwarranted. Therefore, considering the above circumstances, the benefit of bail can be extended to the petitioner.

5. In the result, the Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:-

(i) The petitioner shall be released on bail on his executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the learned VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

(ii) The petitioner shall not directly or indirectly influence or make any witnesses or complainant.

(iii) He shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioner is involved in similar type of offences in future, the bail granted to him shall

automatically stands cancelled and he shall be taken into custody forthwith.

(iv) 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.

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

M. LAXMAN, J

Date: 07.06.2023
ESP/FM

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