

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No. 4765 of 2023

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking to enlarge the petitioner/sole accused on bail in Crime No.233 of 2023 of Police Station Jubilee Hills, Hyderabad, for the offences punishable under Sections 376 and 420 IPC and Sections 3(1)(r)(s) and 3(2)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the case of the prosecution that the victim girl lodged the complaint on 21.04.2023 stating that in the month of June, 2022, she came into contact with the petitioner/accused through online application "Star Maker" and gradually, both of them liked each other. On 08.11.2022, the petitioner/accused took the victim girl to his friend's house situated at Venkatagiri and by inducing her with gullible words in the name of love and marriage, forcibly participated

in sexual intercourse with her. When the victim girl asked the petitioner to marry her, he abused her mentioning the name of her caste.

3. Learned counsel for the petitioner/accused submitted that the petitioner/accused had been languishing in jail from 24.04.2023, several crucial witnesses have been examined and major part of the investigation has been completed. It is further submitted that the ingredients of the offence punishable under Section 376 IPC are not *prima facie* attracted as admittedly, the victim girl had been in physical relationship with the petitioner/accused. Further, there is no allegation that the petitioner/accused had physical relationship with the victim girl and deceived her only because she belongs to Scheduled Caste community. Thus, offences under Sections 3(1)(r)(s) and 3(2)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not attracted. Moreover, the ingredients of the offence punishable under

Section 420 IPC are also not attracted as there is no element of cheating committed by the petitioner.

4. Learned Additional Public Prosecutor submitted that the petitioner/accused deceived the victim girl on the premise of marriage and that the petitioner continued physical relationship with the victim girl and that as the petitioner refused to marry her, the victim girl attempted to commit suicide and that the investigation is still in progress. It is further submitted that a notice in this Criminal Petition has been sent to the victim girl as required under law and proof of the same has been filed before this Court. But, there is no appearance on her behalf.

5. As seen from the remand case diary, major part of the investigation has been completed and the petitioner/accused had been lodged in jail from 24.04.2023.

6. In view of the above, this Court is of the opinion that the petitioner/accused can be granted bail on some conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/sole accused shall be enlarged on bail subject to the following conditions:

- (i) The petitioner/accused shall furnish a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a likesum each to the satisfaction of the learned XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
- (ii) The petitioner/accused shall appear before the Station House Officer, Jubilee Hills Police Station, Hyderabad, on 2nd and 4th Sunday of every month between 10:00 a.m. and 5:00 p.m. till the charge sheet is filed.
- (iii) The petitioner shall not tamper the witnesses and shall not influence the witnesses in this case. The

petitioner shall cooperate with the investigating agency in conducting the investigation.

- (iv) If the petitioner/accused violates the said conditions imposed on him by this Court, the Station House Officer concerned is at liberty to file an application for cancellation of bail.

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

B.VIJAYSEN REDDY, J

1st JUNE, 2023.

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