

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5213 OF 2023

ORDER:

1. This petition is filed seeking to grant regular bail under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.1 in Crime No.1274 of 2022 of Madhapur Police Station, Cyberabad. The offences alleged against the petitioner are under Sections 376(2)(n), 417, 420 and 506 read with Section 34 of Indian Penal Code.

2. The sum and substance of case of the prosecution is that victim and petitioner-Accused No.1 belongs to Orissa State. The victim completed MBA and employed in Hyderabad. Accused No.1 was searching for job by staying with his sister-Accused No.2 in Hyderabad. Accused No.1 got acquaintance with victim on Facebook. They both came together and Accused No.1 allegedly put a proposal of marriage and this was also informed to the family members of either side. Subsequently, with a promise of marriage, Accused No.1 allegedly had sexual intercourse with the victim in spite of her resistance. Subsequently, the petitioner - Accused No.1 changed his mind

and started avoiding the victim. In the said circumstances, the present complaint is lodged.

3. The contention of the learned counsel for the petitioner is that subsequent to the present complaint, there was a marriage between accused No.1 and victim and to support the same, he has filed the photographs.

4. Learned counsel representing the victim stated that to avoid criminal complaints, at the instance of Accused Nos.2 and 3, a pretended marriage was done, in fact said marriage was not accepted by Accused No.1. Hence, he prayed to dismiss the petition.

5. Learned Additional Public Prosecutor opposed the bail application.

6. As seen from the investigation, it is clear that the victim is of Post Graduate in Management and she is well matured. She knows the consequences of her act, still allowed the things to happen. Further subsequent to the present complaint, there was a marriage between petitioner - accused No.1 and victim. The petitioner - accused No.1 is in jail nearly two (02) months.

7. In the said circumstances, this Court is inclined to grant bail to the petitioner - accused No.1 on certain terms and conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.1 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.1 shall be released on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the X Additional Metropolitan Magistrate, Cyberabad at Kukatpally.
- (ii) The petitioner - accused No.1 shall not leave Hyderabad without permission of the Court below.
- (iii) The petitioner - accused No.1 shall not directly or indirectly influence, threaten or tamper any witnesses or complainant-victim.
- (iv) The petitioner-accused No.1 shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigation agency. He shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

28.06.2023
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