

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5748 OF 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C) seeking to grant regular bail to the petitioners who are arrayed as accused Nos.1 and 3 in Crime No.109 of 2023 of Enumamula Police Station, Warangal District. The offences alleged against the petitioners are under Sections 363, 376(D) and 506 read with Section 109 of the Indian Penal Code and Sections 3(2)(v), 3(2)(Va) of SCs/STs Act.

2. Briefly the facts of the case are that the victim is the wife of the complainant. Their marriage was performed about 16 years back and they are having children. On 20.04.2023 at about 12.00 noon on call made by her friend - accused No.6, the complainant dropped his wife at Arepally Pipe Company. As his wife not returned till evening, the complainant made a phone call to accused No.6 and accused No.6 told that she was ignorant of whereabouts of the victim. After search, the complainant allegedly lodged a woman missing complaint on 25.04.2023.

3. The prosecution case is that on 29.04.2023 at about 19.00 hours, the victim and his son-in-law reached the police station and informed that at the instance of accused No.6, she was made to board Vitara Brezza car, in which accused Nos.1 to 3 were present. After travelling some distance, accused No.6 - Revathi got down from the car and two more persons boarded the vehicle and they forcibly taken the victim to the lonely place and allegedly committed rape on her. Later, the victim was dropped and made her to board a bus. After boarding bus, she made a phone call to her husband and informed that she was coming to home and her husband allegedly threatened the victim with regard to where she went. Therefore, the victim went to her son-in-law's house and after five days the present complaint is lodged.

4. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for respondent - State.

5. Initially the complaint which was lodged by the complainant do not reveals with regard to the telephonic call made by the victim on the same day in the evening and threatening given by the complainant. Further, when the call is

made by the victim to her husband, she did not inform about the alleged incident and she did not go to the police station even to lodge the complaint and even she did not inform her son-in-law immediately. There is a delay of nine (09) days in lodging the complaint. All the above circumstances demonstrate that the victim was scared for the words uttered by the complainant, therefore she went to her son-in-law. There is an inordinate delay in lodging the complaint and such a conduct has to be taken the overall situation.

6. In the above facts and circumstances, this Court is inclined to grant bail to the petitioners-accused Nos.1 and 3 on certain terms and conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioners-accused Nos.1 and 3 shall be released on bail on the following terms and conditions:

- (i) The petitioners-accused Nos.1 and 3 shall be released on bail on their executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the

satisfaction of I Additional Judicial First Class Magistrate, Warangal.

- (ii) The petitioners-accused Nos.1 and 3 shall appear before the S.H.O., Enumamula Police Station, Warangal District on every Sunday between 10 a.m., and 5 p.m for a period of three (03) months.
- (iii) The petitioners-accused Nos.1 and 3 shall not directly or indirectly influence or make any witnesses or complainant.
- (iv) The petitioners-accused Nos.1 and 3 shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioners are involved in similar type of offences in future, the bail granted to them shall automatically stands cancelled and they shall be taken into custody forthwith.
- (v) The petitioners-accused Nos.1 and 3 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigation agency. They shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

Date: 05.07.2023
pld/ns

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