

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5639 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 petitioner who is accused No.1 in Crime No.226 of 2022 of Panjagutta Police Station, Hyderabad. The offences alleged against the petitioner are under Sections 376(2)(n), 313 and 506 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that the petitioner - accused No.1 is a Chartered Accountant and the victim was working under him. The accused allegedly with the promise of marriage had a forcible sex with the victim, as a result, the victim conceived. On knowing the pregnancy of the victim, Accused No.2 who is the mother of the present petitioner, approached her and promised to get perform the marriage of victim and Accused No.1, if she agrees to terminate the pregnancy. As per the advice, she consumed the pills to terminate the pregnancy and such pills were provided by accused No.2, as a result the pregnancy was aborted. Again in the month of December, 2021 when the victim was alone in the

office, Accused No.1 allegedly had a sexual intercourse with the victim forcibly and again she got a pregnancy. Again abortion pills were provided by Accused and she was beaten forcibly to consume the pills, as a result she again got aborted. In the year 2023, when the victim insisted the petitioner - Accused No.1 to marry her, he allegedly beat her.

3. Heard the learned counsel for the petitioner - accused No.1 and learned Additional Public Prosecutor for the respondent - State.

4. As seen from the investigation, the victim is aged 26 years. The last alleged sexual exploitation was done in the month of December, 2021 and the complaint is lodged in the year 2023. There is an inordinate delay in reporting the complaint. Apart from that she had sufficient age of maturity and she knows the consequences of her act. Further, the petitioner is in jail for more than 75 days. In the said circumstances, this Court is inclined to grant bail to the petitioner - accused No.1 on certain terms and conditions.

5. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the XIV Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
- (ii) The petitioner-accused No.1 shall appear before the S.H.O., Panjagutta Police Station, Hyderabad on every Sunday between 10 a.m., and 5 p.m for a period of two (02) months.
- (iii) 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

Date: 03.07.2023
pld/ns

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