

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5815 OF 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C) seeking regular bail to the petitioner, who is arrayed as sole accused in Crime No.229 of 2023 of Saidabad Police Station, Hyderabad. The offences alleged against the petitioner are under Sections 376(2)(n), 417, 420 and 506 of the Indian Penal Code.
2. The sum and substance of case of the prosecution is that the accused and victim are known to each other and they fell in love from 9th standard. The accused allegedly had sexual intercourse with the victim and he also promised to marry her. The victim got pregnancy and the pregnancy was terminated by giving pills. Later the accused refused to marry the victim. Therefore, the present complaint lodged by the victim.
3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent - State.

4. There is no medical evidence to show that the pregnancy was terminated by giving pills. It appears there was consensual relationship between the victim and the present accused. The alleged incident of rape was two years prior to the present petition. The immediate cause appeared to be refusal to marry the victim. The petitioner - accused was in jail for the last 40 days. Keeping the above background of the facts, it is a fit case to grant bail to the petitioner - accused.

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

- (i) The petitioner-accused 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 VII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
- (ii) The petitioner-accused shall appear before the Station House Officer, Saidabad Police Station, Hyderabad on every Sunday between 10.00 am and 05.00 pm, for a period of three (03) months.
- (iii) The petitioner-accused shall not directly or indirectly influence or make any witnesses or complainant.

- (iv) The petitioner-accused 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.

JUSTICE M. LAXMAN

Date: 10.07.2023
ns/pss

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