

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5910 OF 2023

ORDER:

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioner, who is arrayed as accused in Crime No.75 of 2023 of Koheda Police Station, Siddipet District. The offences alleged against the petitioner are under Sections 376(1), 354-D, 509 and 506 of the Indian Penal Code.

2. The facts disclose that initially the victim allegedly lodged a complaint stating that the accused allegedly harassing her and misbehaving with her, as and when she went to her shop, which is located after five shops of the accused. In this regard, the police registered the FIR for the offences under Sections 354-D, 509 and 506 of IPC. The petitioner has filed a quash petition before this Court and this Court while disposing of the quash petition directed the police concerned to follow the procedure laid down under Section 41-A Cr.P.C. Subsequently, section of law was altered from the above offences by adding Section 376(1) of IPC basing on the 164 Cr.P.C. statement of the victim.

In the 164 Cr.P.C. statement, it is alleged that the accused allegedly committed rape on the victim.

3. Heard learned counsel for the petitioner - accused and learned Additional Public Prosecutor for the respondent - State.

4. Absolutely no details like date and time are referred in the 164 Cr.P.C. statement of the victim. Initial complaint does not refer the alleged act of rape. The initial complaint only refers misbehaviour and harassment of the accused but the details of misbehaviour are not referred. It appears impugned case has been set up on account of the directions obtained by the petitioner - accused from this Court. In the said 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 is enlarged on bail in the event of his arrest in connection with FIR No.75 of 2023 on the file of the Station House Officer, Koheda Police

Station, Siddipet District on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

- (ii) The petitioner-accused shall appear before the Station House Officer, Koheda Police Station, Siddipet District on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioner-accused shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

Date: 10.07.2023
ns/pss

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