

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6209 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 arrayed as accused No.5 in Crime No.109 of 2023 of Enumamula Police Station, Warangal District. The offences alleged against the petitioner 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. Learned counsel for petitioner - accused No.5 submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that this Court granted regular bail to accused Nos.1 to 4. Therefore, he seeks to grant bail to the present petitioner.

5. Learned Additional Public Prosecutor for respondent - State opposed bail application.

6. 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.

7. In the above facts and circumstances, this Court is inclined to grant bail to the petitioner-accused No.5 on certain terms and conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.5 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.5 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 I Additional Judicial First Class Magistrate, Warangal.
- (ii) The petitioner-accused No.5 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 petitioner-accused No.5 shall not directly or indirectly influence or make any witnesses or complainant.
- (iv) The petitioner-accused No.5 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.
- (v) The petitioner-accused No.5 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: 10.07.2023
ns/sa

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