

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6269 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.2 in Crime No.145 of 2023 of Velgatoor Police Station, Jagtial District. The offences alleged against the petitioner are under Sections 376, 417, 420, 363, 307, 506 and 294-b of the Indian Penal Code.

2. Briefly the case of the prosecution is that accused No.1 and victim were allegedly in love and subsequently, accused No.1 went to Iraq Country ignoring her love. Later, the victim marriage was performed with one Ersani Saikumar resident of Arli Village of Thalamadugu Mandal, Adilabad District. After four (04) days of marriage, accused No.1 allegedly called the victim and expressed his intention to marry her. On 06.06.2023 at about 14.00 hours, when the victim was at her in-laws house, accused No.1 allegedly went to her, and in the absence of her husband and her in-laws who were slept, accused No.1 allegedly took the victim to the Jinnaram Forest on his motorcycle and at

Jinnaram Forest accused No.1 allegedly took her gold chain and left her. On the same day, when the victim went to the house of accused No.1, accused No.2 who is the father of accused No.1 allegedly kicked on her stomach and attempted to throttle her neck with an intention to kill her; accused No.1 also caught hold the victim. Prior to the marriage of victim, accused No.1 allegedly committed sexual assault on the victim in the name of love.

3. Heard learned counsel for the petitioner - accused No.2 and learned Additional Public Prosecutor for the respondent - State.

4. On perusal of the material on record, as per the medical examination, there are no injuries on the victim. Further, the serious allegation of rape is against accused No.1 who allegedly took the victim from her in-laws house. The only allegation against the petitioner - accused No.2 is that he attempted to throttle her neck and kicked her, which claims have not been supported medically. The victim allegedly already married at the instance of her parents and the manner in which the victim was shifted from her in-laws has to be taken into consideration.

5. In the said circumstances, it is a fit case to grant bail to the petitioner - accused No.2.

6. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.2 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.2 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 Judicial First Class Magistrate at Dharmapuri.
- (ii) The petitioner-accused No.2 shall not directly or indirectly influence or make any witnesses or complainant.
- (iii) The petitioner-accused No.2 shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigation agency. He shall not in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

Date: 18.07.2023
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