

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6490 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 sole accused in Crime No.192 of 2023 of Malakpet Police Station, Hyderabad. The offences alleged against the petitioner are under Sections 376(2)(n), 417 and 420 of the Indian Penal Code.

2. The facts disclose that the petitioner and the victim known to each other from the year 2018 and they fell in love. In the year 2020, the petitioner proposed to marry the victim. In the month of August, 2020 with a false promise of marriage, the petitioner sexually assaulted the victim multiple times in a rented flat at Wonder Residency, Banjara Basti, West Prashanth Nagar, Malakpet, Hyderabad. The petitioner - accused also obtained Rs.1,00,000/- from the victim, out of the said amount he repaid Rs.80,000/- but the balance of Rs.20,000/- was not paid till date. Further, the petitioner took Rs.12,000/- from the victim's bank account and also took gold chain and mortgaged

the same with the bank and obtained loan of Rs.53,000/-. Whenever, the victim requested the petitioner to marry her, he is avoiding, therefore, the present complaint.

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

4. On perusal of the record, the alleged incident of sexual assault happened in the year 2020 and all the moneys and gold chain were given without any inducement. It is a case of breach of promise of marriage. For the last three years, no complaint was lodged by the victim. Considering the above background of facts, further detention of the petitioner - accused is unwarranted. Therefore, this Court is inclined to grant regular 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.

- (ii) The petitioner-accused shall not directly or indirectly influence or make any witnesses or complainant.
- (iii) The petitioner-accused 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: 25.07.2023
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