

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7569 OF 2023****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A1 in Crime No.17 of 2023 on the file of Film Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 376(2) (n) 417, 420, 506 of Indian Penal Code.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The case of prosecution is that a written complaint was given on 15.06.2023 to the Station House Officer, Film Nagar Police Station. In the said complaint, the defacto complainant has alleged that she was introduced to the petitioner, who was a Gym Trainer and Coach. She made payment for 1 year gym membership. During the training, the petitioner informed that he was single and looking to get married. He behaved with her inappropriately.

4. On one day he gave some water saying that it is pre-workout supplement to boost energy. After sometime, she fell dizzy and from there she was taken to the car, where the petitioner misbehaved. Thereafter, the petitioner allegedly raped her, forcibly took video and threatened that if she discloses to anyone, the petitioner would post the video in social media. Further, the petitioner also extorted an amount of Rs.6,00,000/- (Rupees Six lakhs only) for giving an undertaking that he would marry defacto complainant but later, refused to marry and cheated her. Though she tried to complain to brother and other close relatives of the petitioner, the petitioner threatened her that he would post her video in social media and ruin her image. Thereafter, she approached 'she' team. Then, the brothers of this petitioner gave an undertaking that they would take the responsibility and help her to marry the petitioner. The petitioner/A1 used to demand huge amounts for his lavish lifestyle. For the said reason, she used to give some amount to meet the petitioner/A1's lavish lifestyle. Since the petitioner started demanding Rs.10,00,000/- (Rupees Ten lakhs only) for renovation of his parents house, the defacto complainant expressed her helplessness, for which, the petitioner and his family members abused her mentally and physically.

5. The learned counsel appearing for the petitioner would submit that she had earlier filed a complaint before the Golconda Police on 26.05.2023. In the said complaint whatever was stated in the complaint before the Golconda Police was not stated in the complaint made to the Film Nagar Police Station. Further, entire investigation is completed and charge sheet filed. The factum of completion of investigation and filing of charge sheet was not disputed by the learned Public Prosecutor.

6. On the other hand, the learned counsel appearing for the defacto complainant would submit that the petitioner is not entitled to bail. In fact, as seen from the allegations made in the complaint, they are serious in nature. The petitioner would abscond from India in the event of granting bail. Further, the learned counsel had argued that in the bail application filed by the petitioner, several aspects have been narrated, which are contrary to the actual happening. In fact, the narration in the Criminal Petition itself would reflect the complicity of the petitioner in committing the crime.

7. The defacto complainant has not disputed writing of both these complaints, this would show that whatever stated before the

Golconda Police Station on 26.05.2023 was not stated before Film Nagar Police Station and totally different version is given.

8. This Court is not inclined to get into the correctness and other facts mentioned in both the complaints. However, keeping in view that the investigation is completed and contents in both the complaints show that there were transactions between the defacto complainant and the petitioner, this Court feels it appropriate to grant relief of bail to the petitioner subject to the following conditions:

i) The petitioner/A1 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of XVII Addl. Chief Metropolitan Magistrate at Hyderabad.

ii) The petitioner/A1 shall surrender his passport before the concerned Court. In the event of the petitioner not having a passport, an affidavit to that effect shall be filed before the concerned Court.

iii) The petitioner/A1, after release shall appear before the concerned Station House Officer, as and when he is required for the purpose of investigation.

iv) The petitioner/A1 shall appear on the date of hearing and shall not in any manner try to contact defacto

complainant or her relatives, failing which, the bail granted is liable to be cancelled.

v) The petitioner/A1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 19.08.2023.
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.19.08.2023

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