

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8501 OF 2023****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioner/Accused in the event of his arrest in Crime No.197 of 2023 on the file of Station House Officer, Vikarabad Town, Vikarabad District registered for the offence punishable under Section 420 and 376 of Indian Penal Code.

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

3. The defacto complainant alleged in the telugu written complaint dated 26.06.2023 stating that she got acquainted with petitioner/Accused on Facebook social media platform and they had physical relationship. When she got pregnant, tablets were given for aborting the pregnancy. An amount of Rs.1,50,000/- was given and the compromise was written in the presence of advocate. However there was no such compromise but signature was taken on document stating that the petitioner would marry her.

4. Learned counsel for the petitioner would submit that the defacto complainant is aged around 37 years and even according to the complaint there was settlement between parties and there is no reason why the amount of Rs.1,50,000/- would be paid. There is a mention in the complaint about video and photographs being exchanged in the presence of the advocate and an agreement was entered for withdrawal of complaint on 25.05.2023. The said events reflect that the petitioner and the defacto complainant had consensual relation and deliberately false complaint was filed to extract money.

5. Learned Assistant Public Prosecutor on the other hand does not dispute that there was complaint on 29.05.2023, however, he submits that there are allegations in the present complaint regarding rape for which reason the bail has to be declined.

6. As seen from the mutual agreement between the petitioner and the complainant, photographs and videos were exchanged in presence of elders and complainant has taken Rs.1,50,000/-. It appears that there are disputes between the petitioner and the defacto complainant about their relation and further there was consensual relation in between them.

7. Keeping in view the above circumstances, the petitioner can be granted the relief of Anticipatory Bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail subject to the following conditions:

- i) The petitioner/Accused is directed to surrender before the Station House Officer, Vikarabad Police Station, Vikarabad District on or before 14.09.2023, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.
- ii) The petitioner/Accused shall appear before the concerned Station House Officer on every Monday between 10.00 AM and 01.00 PM for a period of two (02) months, for the purpose of investigation.
- iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 11.09.2023
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