

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos. 9018 & 9076 of 2023

COMMON ORDER:

These Criminal Petitions are filed under Section 438 of Cr.P.C. by the petitioners/Accused Nos.1, 3 and 4 seeking bail in connection with F.I.R.No.191 of 2023 dated 08.07.2023 on the file of Falaknuma Police Station, Hyderabad registered for the offences punishable under Sections 406, 420, 468, 471, 376, 506, 120-B read with 34 of Indian Penal Code (for short 'I.P.C').

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The accused No.1 is the petitioner in CrI.P.No.9018 of 2023 and accused Nos.2 and 3 are petitioners in CrI.P.No.9076 of 2023 in Cr.No.191 of 2023.

4. A crime was registered on the basis of reference made by the learned Magistrate to the police to

investigate into the complaint filed by the *de facto* complainant. The private complaint was filed on 09.06.2023 alleging that she was married and thereafter, she took divorce from her husband. Thereafter, she got acquainted with this petitioner/Accused No.1 and they went to several places including hotels and had physical relation. Accused No.1 took her to elderly person where he performed Nikah orally and she was blessed with two sons. First son was born on 11.11.2016 and second son was born on 03.10.2018. Thereafter, the accused no.1 demanded to give an amount of Rs.1,00,000/- as such, she mortgaged gold and gave Rs.80,000/-. Many times she used to ask for money but, accused No.1 did not return the amount.

5. On 12.04.2023 accused Nos.1 and 2 took one person and introduced him as qazi and took some signatures on some papers and also thumb impressions. Though, she insisted to handover the Nikah nama, the issue was being postponed for one reason or the other. Ultimately, complaint was filed stating that all the three

petitioners and another have cheated her and she was subjected to rape by accused No.1.

6. According to the counsel the petitioner/Accused No.1, he was born on 11.10.2000. As seen from the complaint accused No.1 was in relation with *de facto* complainant and first son was born on 11.11.2016. Thereafter, another son was born in the year 2018 and an amount of Rs.1,00,000/- was given. Even according to complainant prior to 2016, there was a Nikah and on 12.04.2023 also there was Nikah which was performed in between *de facto* complainant and accused No.1.

7. Keeping in view, that there are several issues in between accused No.1 and *de facto* complainant and further even according to her she was married to accused No.1, this Court deems it appropriate to grant relief of anticipatory bail subject to the following conditions:-

- 1) The petitioners/Accused Nos.1, 3 and 4 are directed to surrender before the Station House Officer, Falaknuma Police Station, Hyderabad

on 29.09.2023. Upon such surrender, the said Station House Officer shall release the petitioners/Accused Nos.1, 3 and 4 on bail, on their executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to his satisfaction.

2) On such release, the petitioner/Accused No.1 shall appear before the concerned police everyday for a period of two weeks and petitioners/Accused Nos.3 and 4 shall appear before the concerned police on every Monday for a period of six weeks thereafter, as and when required for the purpose of investigation.

3) The petitioners/Accused Nos.1, 3 and 4 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, these Criminal Petitions are allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 25.09.2023
dsv/ds

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos. 9018 & 9076 of 2023
Dt.25.09.2023

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