

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.9895 of 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in the event of his arrest in connection with Crime.No.272 of 2023 on the file of Parkal Police Station, Warangal District, registered for the offences under Sections 354-D, 376, 384 and 506 of IPC.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. The *de-facto* complainant filed a complaint stating that this petitioner who is aquatinted with *de-facto* complainant prior to marriage and after marriage have threatened her and took Rs.60,000/- and 9 tulas of gold from her. Regarding the relation with petitioners, there were disputes and the Police also were involved in counseling of *de-facto* complainant and her husband. Though she was living peacefully with her husband, on 25.09.2023, the petitioner gave her a cell phone and sent her clothes in an Auto through a person named Raju. On questioning the same, the *de-facto* complainant allegedly disclosed the relation with this petitioner leading to the present complaint.

4. Learned counsel appearing for the petitioner would submit that admittedly the *de-facto* complainant has previous relation with this petitioner and only for the reason of husband finding out, she has disclosed the relation with this petitioner resulting in lodging the complaint. There are no elements of rape in the complaint.

5. Learned Additional Public Prosecutor opposed the application. However, did not dispute that this petitioner was having relation with the *de-facto* complainant long prior to her marriage and also after marriage.

6. Keeping in view that there was consensual relation between *de-facto* complainant and this petitioner and only when it came to the knowledge of the husband of the *de-facto* complainant, the present complaint was lodged, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioner, subject to following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Parkal Police Station, Warangal District, on or before 20.10.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on her executing personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to his satisfaction.

2) On such release, petitioner/Accused shall appear before the concerned Station House Officer at 10.00 A.M on every Monday for a period of eight weeks, for the purpose of investigation and thereafter, as and when required.

3) The petitioner/Accused 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.

5. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 13.10.2023
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K.SURENDER, J

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Dt.13.10.2023

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