

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10669 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/Accused seeking anticipatory bail in the event of his arrest in connection with F.I.R No.1104 of 2023 dated 17.09.2023 on the file of the Gachibowli Police Station, Cyberabad, registered for the offences punishable under Section 376(1) of the Indian Penal Code (for short 'IPC').

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

3. The de facto complainant filed a complaint in 17.09.2023 alleging that on 05.03.2023, this petitioner and herself were in a hotel room consuming beer. After consumption of beer of two bottles, the petitioner went out to buy more bottles for them to drink. After his return, she consumed the beer and was feeling sick. She went into the wash room and vomitted. After coming from washroom "she passed out". In the said unconscious state, she has no memory as to what has happened. However, when she regained consciousness, she found condoms in the washroom, for which reason, she alleged that she was raped multiple times.

4. Learned counsel appearing for the petitioner would submit that there is a delay of six months in lodging the complaint and no reasons are given as to why delay was caused and the reason for not intimating the police immediately after the incident, petitioner is entitled to grant of anticipatory bail.

5. Keeping in view that the de facto complainant and the petitioner had gone to the hotel room on their own and both being majors, for the reason of inordinate delay of six months in lodging the complaint, this Court deems it appropriate to grant the relief of anticipatory bail, subject to the following conditions:

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, PS, Gachibowli, Cyberabad, within one (1) week. Upon such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused shall appear before the concerned police on every Monday at 10am for a period of four (04) weeks and thereafter, as and when required for the purpose of investigation.
- 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.

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

Date : 06.11.2023
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K.SURENDER, J

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Dt.06.11.2023

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