

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.10783 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/Accused, in Crime No.792 of 2023 on the file of III Additional Chief Metropolitan Magistrate at Hyderabad registered for the offences under Sections 323, 313, 417, 420, 376(2)(n) and 506 of IPC.

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

3. The case of the *defacto* complainant is that she joined Ignite Embedded Systems Institute. The owner of the said institute is the petitioner herein. Petitioner expressed his love for the defacto complainant and proposed to marry her. From December, 2022, they were in live-in relation and staying together. In March-April, 2023, the defacto complainant got pregnant. She was convinced by A2 and the parents of the petitioner to terminate pregnancy. This petitioner harassed her to terminate the pregnancy. A2(whose name was deleted by the police) also convinced the defacto

complainant stating that pregnancy without marriage will have bad impact on the institute. As such, in May, 2023, her pregnancy was terminated in the hospital. In August, 2023, the petitioner left from the house where they were living together and disconnected all sorts of communication including phone, whatsapp, instagram etc.

4. Thereafter, the petitioner went to Vizag. The defacto complainant came to know that the petitioner was having an affair with someone else at Vizag. When petitioner came back to Hyderabad, the defacto complainant confronted him. The petitioner allegedly assaulted her and informed that he only wanted to have sex with her. Hence the complaint.

5. Learned counsel appearing for the petitioner would submit that only for the reason of not marrying, the alleged complaint was lodged. In fact, as seen from the complaint, the relationship was consensual and it cannot be said that the offence of either rape or for termination of pregnancy under Section 313 IPC would attract. The other offences alleged are punishable less than seven years, as such, prayer for bail may be considered.

6. On the other hand, learned counsel for the *defacto* complainant would submit that A2 was contacting the defacto complainant and asking her not to oppose the bail of A1. He was

indirectly saying that he would give gold if she does not oppose the bail. In the said circumstances, even pleading the victim not to oppose the bail and approaching her stating that gold will be given would amount to criminally intimidating the victim for which reason bail has to be denied.

7. Admittedly, petitioner and the defacto complainant were in live-in relationship. The question of committing rape would not arise in live-in relationship unless specific reasons are given. There is nothing in the complaint to suggest commission of rape. According to the complaint, pregnancy was terminated in the hospital after being allegedly convinced by the petitioner and others. Complaint was given after the defacto complainant came to know that the alleged affair with some other woman at Vizag.

8. As seen from the remand report, several witnesses have been examined. In the said circumstances, the petitioner can be granted relief of regular bail on the following conditions:

i) The petitioner/Accused shall execute a personal bond for a sum of Rs.50,000/- (rupees fifty thousand only) with two sureties for a likesum each to the satisfaction of the III Additional Chief Metropolitan Magistrate at Hyderabad.

ii) The petitioner/Accused shall appear before the concerned Station House Officer on every Monday

between 10.30 a.m. and 1.00 p.m., for a period of eight weeks or until filing of charge sheet, whichever is earlier, for the purpose of investigation.

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

9. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 10.11.2023
kvs

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.10.11.2023

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