

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10806 of 2023

ORDER:

1. 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.348 of 2023 on the file of Chaderghat Police Station, Hyderabad, registered for the offences under Sections 376 (2) (n), 366 of IPC and 67-A of ITA Act, 2008.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. The case of the *de-facto* complainant is that she was working as telecaller. She was acquainted with this petitioner. This petitioner allegedly called her on phone and asked her to come to a hotel, failing which he would forward recordings of her calls with this petitioner to her husband. In the said OYO hotel, it is alleged that this petitioner raped her and thereafter also on several occasions, the petitioner had called her and raped her.
4. Learned counsel appearing for the petitioner would submit that in fact there is relation in between the petitioner and the *de-facto* complainant and the *de-facto* complainant had earlier

filed similar complaint with Vanashthalipuram Police on 31.05.2022 which was registered as FIR.No.721 of 2022. The said complaint was for the offences under Sections 493, 417 and 420 of IPC. In the said case, the *de-facto* complainant had filed a compromise application stating that she had taken an amount of Rs.1,00,000/- from this petitioner and she was not willing to proceed with the case against this petitioner. Consequent to said letter given by the *de-facto* complainant, the Police filed final report under Section 173 Cr.P.C. as mistake of fact.

5. Since the complaint earlier made against this petitioner was settled by the *de-facto* complainant. It appears that on the very same facts, again a complaint was filed by the *de-facto* complainant. In the said circumstances, the petitioner who is in jail can be granted regular bail, subject to following conditions:-

- i) The petitioner/Accused shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, for a like sum each to the satisfaction of Judicial Magistrate of VIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
- ii) The petitioner/Accused after release shall appear before the concerned Station House Officer, on every Monday at 10:00 a.m., for a period of four weeks for the purpose of investigation and thereafter, as and when required.

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

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

Date : 08.11.2023
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K.SURENDER, J

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Dt.08.11.2023

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