

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11130 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.1145 of 2023 on the file of Madhapur Police Station, Cyberabad, registered for the offences under Sections 376 (2) (n), 420, 417 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 *de-facto* complainant is that petitioner herein, who is now working as Manager in Primera Medical Technology was acquainted with her and promised to marry her after divorcing his wife. Further, he has photographs and videos in his phone and threatened her. The petitioner promised to marry the *de-facto* complainant in the month of March-2024 and also had sexual relation over a period of time.
4. On the basis of the said complaint, the case was registered for the offences under sections 420, 417 and 506 of IPC. Thereafter, the Police filed an alteration memo before the

Magistrate Court adding Section 376 (2) (n) of IPC after recording the statement of the victim.

5. Learned senior counsel appearing on behalf of the petitioner would submit that the complaint does not make out that there was any force to attract the offence of rape. He further submits that the *de-facto* complainant had earlier filed two similar complaints against her two colleagues, one at Gujarat and one at Mumbai, of which one of the complaint resulted in acquittal and other is pending.

6. As seen from the complaint, it is not mentioned that the petitioner at any point of time forced the *de-facto* complainant in any manner. Further, it is alleged that the petitioner is having photographs and videos of the petitioner. In the said circumstances, the petitioner can be granted the relief of anticipatory bail, subject to following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Madhapur Police Station, Cyberabad, on or before 30.11.2023. 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 i.e., one local surety and the other from the native place for a like sum each to his satisfaction.

- 2) On such release, the petitioner/Accused shall appear before the concerned Police at 10:00 a.m. everyday for a period of one week for the purpose of investigation and thereafter, as and when required.
- 3) The petitioner/Accused shall produce his cell phone for the purpose of investigation.
- 4) 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.

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

K.SURENDER, J

Date : 21.11.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 11130 of 2023
Dt.21.11.2023

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