

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11359 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 No.1 in Crime No.276 of 2023 on the file of Golconda Police Station, Hyderabad, registered for the offences under Sections 376 (2) (n), 313, 417, 420, 504 and 506 r/w. 34 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 this petitioner was acquainted with her during her graduation days. They moved freely together. On 03.05.2023, the petitioner visited victim's house on a festival day. When no one was present, he had sexual intercourse with her. When *de-facto* complainant objected and shouted, the petitioner apologized and stated that any way there were going to get married. Thereafter, they had physical relation over a period of time. She was carrying pregnancy, as such tablets were given for aborting the pregnancy.

4. On the basis of the complaint lodged, the Police registered the crime.

5. Learned counsel appearing for the petitioner would submit that even according to the complaint, both the *de-facto* complainant and the petitioner are acquainted since their graduation days and their relation was over a period of 3 years. For the reason of not marrying, the present complaint was filed. At most, the offence that can be made out is under Section 420 of IPC and not under Section 376 of IPC.

6. On the other hand, learned Additional Public Prosecutor opposed bail application stating that offence of rape is alleged against the petitioner.

7. Keeping in view that there was relation in between the petitioner and the *de-facto* complainant over a period of 3 years and both of them being adults, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

- i) The petitioner/Accused No.1 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 the XVII Additional Chief Metropolitan Magistrate, Hyderabad.

ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of eight weeks and thereafter, as and when required, for the purpose of investigation.

(iii) The petitioner/Accused No.1 in any manner shall not to contact either the victim girl or her relatives. Failing which, the Police are at liberty to seek cancellation of bail granted.

iv) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 23.11.2023
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K.SURENDER, J

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Dt.23.11.2023

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