

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11771 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.383 of 2023, on the file of Asif Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 376, 417 and 420 of the Indian Penal Code. (for short 'IPC').
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The *de facto* complainant/victim filed a complaint against the petitioner stating that she and petitioner are working in the same company and they used to move closely and petitioner had sexual intercourse with her over a period of time by making false promise that he will marry her and they were in relationship since the year 2018. However, later the petitioner refused to marry her and she came to know

that the marriage of the petitioner is going to be held on 18.11.2023 with another woman.

4. Learned counsel for the petitioner would submit that *prima facie* Section 376 of IPC is not made out against the petitioner.

5. On the other hand, learned Additional Public Prosecutor would submit that the case is under investigation and the statement under Section 164 Cr.P.C. is yet to be recorded.

6. A perusal of the contents of the complaint discloses that the petitioner and *de facto* complainant are adults and they were in consensual relationship. However, the present complaint is the result of refusal of the petitioner to marry the *de facto* complainant. Therefore, this Court is inclined to grant the relief of regular bail, subject to following conditions:

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

ii) The petitioner/Accused after release shall appear before the concerned Station House Officer everyday for a period of one (01) week and thereafter, as and when required, for the purpose of investigation.

iii) The petitioner/Accused after his release shall not contact the de facto complainant in any manner, failing which the police are at liberty to seek cancellation of bail.

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

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

Date : 01.12.2023
dgr

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11771 of 2023
Dt.01.12.2023

dgr