

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.11935 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.330 of 2023 on the file of Nalgonda I Town Police Station, Nalgonda, registered for the offences under Sections 376 (2) (n), 417 and 420 of 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 lodged a complaint stating that she passed out Engineering in the year, 2016 and this petitioner also studied with her in the same Engineering College. They developed intimacy, loved each other and petitioner allegedly promised that he would marry her. Thereafter, petitioner requested her to come to his house at Nalgonda, so that he would introduce her to his mother and would discuss about marriage. On 03.04.2023, she went to petitioner's house where they had sexual intercourse. Earlier

also, they had sexual relation over a period of time. She conceived in the month of May, 2023 and terminated her pregnancy by taking tablets. Petitioner was dodging marriage one pretext or the other. Ultimately, petitioner did not marry the *de-facto* complainant, as such, the present complaint is lodged.

4. Learned Senior counsel appearing for the petitioner would submit that relationship is consensual, as such the question of cheating does not arise, since the intention has to be from the inception of the relationship and the relationship when goes back to the year, 2016, it cannot be said that the *de-facto* complainant was cheated.

5. On the other hand, learned Additional Public Prosecutor opposed the grant of bail on the ground that serious offences are alleged against the petitioner and the petitioner also refused to marry the *de-facto* complainant.

6. In the entire complaint, there is no statement of the *de-facto* complainant that she was forced in any manner. The intention of the petitioner to cheat or otherwise cannot be inferred in the facts of the case when they are known to each other over a period of nine years. In the said circumstances, it

appears that the petitioner refusing to marry the *de-facto* complainant lead to lodging of the criminal complaint. The petitioner is a Software Engineer and any detention would hamper his prospects.

7. In the peculiar facts of the case, this Court deems it appropriate to grant the relief of anticipatory bail, subject to following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Nalgonda-I Town Polcie Station, Nalgonda, on or before 14.12.2023. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused shall appear before the concerned Station House Office at 10:00 a.m. on every Monday for a period of four weeks for the purpose of investigation and thereafter, as and when required.
- 3) 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.

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

Date : 07.12.2023
dv

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 11935 of 2023
Dt.07.12.2023

dv