

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12135 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.703 of 2023 on the file of Chikalguda Police Station, Secunderabad, registered for the offences under Sections 417, 420 & 376 (2) (n) 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 alleged that she knew this petitioner from 2018. Since the petitioner promised to marry, she developed friendship and also started having physical relation. On several occasions, he had promised to marry her and involved in sexual intercourse. However, the petitioner refused to marry her.
4. On the basis of the said complaint filed by the *de-facto* complainant, criminal complaint was registered and this petitioner was taken into custody on 06.11.2023.

5. Learned counsel appearing for the petitioner would submit that even according to the investigation, the *de-facto* complainant and this petitioner were in physical relation since 2018. Only for the reason of refusal to marry, the present complaint was filed. At most, it can be treated as a case of cheating. When there is consensual relation between the adults, it cannot be treated as rape.

6. As seen from the remand report, the petitioner and the *de-facto* complainant were having physical relation since, 2018. However, it is stated that the petitioner had promised to marry her. It appears that refusal to marry her had led to the present complaint.

7. Keeping in view that major part of the investigation is complete, 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.25,000/- (Rupees Twenty Five thousand only) with two sureties, for a like sum each to the satisfaction of the X Additional Chief Metropolitan Magistrate at Secunderabad.
- 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.

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

Date : 13.12.2023
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K.SURENDER, J

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Dt.13.12.2023

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