

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1187 of 2024

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/accused No.2 seeking to grant bail in the event of his arrest in connection with Crime No.200 of 2023 on the file of Athmakur Police Station, Rachakonda, Yadadri-Bhongir District, registered for the offences punishable under Sections 354-A, 376 and 506 of Indian Penal Code and 3(1)(r)(s) of SC/ST Prevention of Atrocities Act, 2015.

2. The case of the prosecution in brief was that on 27.12.2023 at about 08:00 PM, a zero FIR was registered at Bhongir rural Police Station, wherein the complainant stated that she was working as Mandal Agriculture Officer since 2017, December. During her service one Maturi Manoj (accused No.1, A.E.O(Agriculture Extension Officer)) developed acquaintance with her, outraged her modesty, sexually harassed her and also committed rape on her. He did not stop his criminal activities and thereafter, threatened her. On that she was afraid to inform the same to her husband and family members. The said Maturi Manoj and another person Abbagani Mahesh (petitioner

herein) hatched a plan to defame her in the department and as well as in the society and they started propaganda against her in her department. Maturi Manoj posted filthy chat on her whatsapp. She further stated that when she was on election duty in the Collectors office, with a pre-planned intention Maturi Manoj visited the collector's office, abused her in filthy language, attacked her and slapped her in public and tried to kill her with a knife. Maturi Manoj and Abbagani Mahesh threatened her with dire consequences by abusing her in her caste name. On hearing the abusing words from them she was shocked and tried to rescue herself from them. During the quarrel, she sustained injury on her left-hand palm. Basing on the said report, the above crime was registered for the above said offences.

3. Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the respondent No.1-State and learned counsel for the respondent No.2.

4. Learned counsel for the petitioner/Accused No.2 submitted that the *de facto* complainant filed a case *vide* Crime No.385 of 2023 in Bhongir Rural Police Station on 10.11.2023

which was registered for the offence punishable under Section 307 of Indian Penal Code. The accused No.1 was subordinate to the *de facto* complainant. The *de facto* complainant was suspended for her aggressive attitude and she bore a grudge against accused No.1. The police of Bhongir Rural arrested the *de facto* complainant and sent her for judicial custody in the above case. After release, she foisted this false case against accused No.1 and the petitioner herein after 47 days as a counterblast to the case registered against her. He further submitted that the petitioner was working in police department in Hyderabad was not involved in the above offence. All false allegations were leveled against him and prayed to enlarge the petitioner on anticipatory bail.

5. Learned counsel for the respondent No.2 opposed grant of bail to the petitioner stating that the petitioner in collusion with accused No.1 developed grudge and enmity against the *de facto* complainant and abused her in the name of her caste. Being a constable he instigated accused No.2 to do more propaganda against the *de facto* complainant and abused her in public, in the name of her caste, as such, he was not entitled for grant of anticipatory bail.

6. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner herein.

7. Perused the record. The record would disclose that it is a counter case to the case registered against her for the offence under Section 307 of IPC filed by the *de facto* complainant. A photograph was also filed showing her stabbing the accused No.1. On a perusal of the report and the counter filed by her the same would not disclose the involvement of the petitioner-accused No.2 in the major offences punishable under Sections 354-A and 376 of Indian Penal Code. Even as per the report given by her, his role is confined to abusing her in the name of caste, the truth or otherwise of it could be decided in a full-fledged trial. Hence, it is considered fit to grant anticipatory bail to the petitioner.

8. In the result, the Criminal Petition is allowed and the petitioner/accused No.2 is granted anticipatory bail subject to the following conditions:

- 1) The petitioner/accused No.2 is directed to surrender before the concerned Station House Officer, Athmakur Police Station, Rachakonda, Yadadri-

Bhongir District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail, on his executing a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- 2) The petitioner/accused No.2 shall abide by the other conditions stipulated under Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous applications, if any pending, shall stand closed.

Dr. G.RADHA RANI, J

Date : 09.02.2024
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