

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1201 OF 2024

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.16 of 2024 on the file of Ghanpur (W) Police Station, Jangaon District, registered for the offences under Sections 417, 420, 376(2) (n), 354 (D), 341 and 290 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 against the petitioner is that he was engaged to *de-facto* complainant two years prior to the complaint. After engagement, he indulged in sexual intercourse with *de-facto* complainant. After securing job, it is alleged that this petitioner refused to marry, for which reason, the present complaint is filed.
4. Learned counsel for the petitioner would submit that *prima facie*, the offence of rape is not made out, since, physical relation was consensual in between the adults. Only for the

reason of not being married, the criminal complaint is filed. Further, the ingredients of Section 420 of IPC are also not made out in the present case.

5. Keeping in view that there was relation in between the petitioner and the *de-facto* complainant after they were engaged, this Court deems it appropriate 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 Additional Judicial First Class Magistrate, at Jangaon.
- 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.

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

K.SURENDER, J

Date : 02.02.2024
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Dt.02.02.2024

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