

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1311 of 2024

ORDER:

This Criminal Petition is filed by the petitioners / A2 and A3 under Section 438 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of anticipatory bail in Crime No.31 of 2024 of Nizamabad Rural Police Station, Nizamabad District, registered for the offences under Sections 376, 420, 290 and 506 read with Section 34 of IPC.

2. As per the case of the prosecution, the de-facto complainant lodged a report on 27.01.2024 at 10:30 AM stating that she met A1 in an online forum in 2017 while both of them were in USA, both of them had a consensual physical relation till 2023 and thereafter differences developed between them. A1 abused and insulted her and stated that he would not marry her and subsequently returned to Nizamabad. As such, the informant came to India and visited A1 at his family home on 20.09.2023 and on 24.09.2023, where A1 insulted her. The petitioners – A2 and A3, who were the parents of A1, also insulted her and her family. A1 refused to marry her, as such, she filed the case.

3. Heard Sri C.Sharan Reddy, the learned counsel for the petitioners – A2 and A3 and the learned Additional Public Prosecutor for the respondent – State.

4. The learned counsel for the petitioners submitted that A1 filed a case before the County Court of Law, Williamson County, Texas, USA against the informant seeking protection order from her due to harassment and intimidation from the informant. A1 stated that the informant was harassing him, stalking him and emotionally blackmailing him and due to fear of his life due to the behavior of the informant, he sought protection from her. The said application was filed on 17.11.2023. The informant immediately came to India fearing that she would be prosecuted in USA and had lodged the present report in India as a counter blast to the said case. He further submitted that the 2nd petitioner was a Government employee working as a Government Teacher and she would lose her job if she was arrested.

5. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners.

6. However, considering that the offences under Sections 376 and 420 of IPC are not attracted against the present petitioners and the offences under Sections 290 and 506 of IPC are bailable, it is considered fit to enlarge the petitioners on anticipatory bail on certain conditions.

7. In the result, the Criminal Petition is allowed and the petitioners / A2 and A3 are granted anticipatory bail subject to the following conditions:

i. The petitioners – A2 & A3 are directed to surrender before Station House Officer of Nizamabad Rural Police Station within fifteen (15) days from the date of this order and on such surrender, the Station House Officer, Nizamabad Rural Police Station is directed to release them on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

ii. The petitioners – A2 & A3 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C. and shall appear before the Investigating Officer as and when directed by him and shall co-operate with the investigation of the case.

As a sequel, miscellaneous applications pending in this petition if any shall stand closed.

Dr. G.RADHA RANI, J

Date: 07th February, 2024
Nsk.