

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1995 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – accused under Sections 437 and 439 of Code of Criminal Procedure for grant of regular bail in Crime No.227 of 2023 on the file of PS Mamnoor, registered for the offences under Sections 376 (2) (n), 417 and 420 of IPC.

2. The case of the prosecution in brief was that on 24.12.2023 at 20:30 hours, the de-facto complainant – victim girl lodged a report stating that the petitioner – accused made a false promise to marry her and committed rape on her repeatedly by participating in sexual intercourse with her around six times and later denied marrying her and cheated her and blocked her mobile number.

3. Basing on the said report, the above crime was registered and the petitioner – accused was arrested on 26.12.2023.

4. Heard the learned counsel for the petitioner – accused and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioner submitted that there was no iota of evidence to attract the offence under Section 376 (2) (n) of IPC. No date and time was mentioned by the de-facto complainant. The entire case was cooked

up, both the de-facto complainant and the petitioner were relatives, the brother of the petitioner was married to the sister of the de-facto complainant, the family of the petitioner was very well aware about the engagement of the petitioner to be conducted on 25.12.2023. The present case was foisted only to ruin the future of the petitioner and prayed to allow the bail application filed by the petitioner.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the investigation was in progress.

7. Perused the record.

8. Considering that the de-facto complainant is a major woman who was aware of the consequences of her act and participated in sexual intercourse knowing fully well, as such, the applicability of offences under Section 376 (2) (n) and Section 420 of IPC is doubtful and as the offence under Section 417 of IPC is non-cognizable, it is considered fit to grant bail to the petitioner.

9. In the result, the Criminal Petition is allowed directing the petitioner to be released on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for the like sum each to the satisfaction of the Principal Judicial Magistrate of First Class at Hanumakonda.

The petitioner shall comply with the conditions laid down under Section 437 (3) of Cr.P.C.

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

Dr. G.RADHA RANI, J

Date: 22nd February, 2024
Nsk.