

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2094 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners-Accused Nos.4, 6 and 7 under Sections 437 & 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release them on regular bail in Crime No.207 of 2023 on the file of the Attapur Police Station, Cyberabad registered for the offences punishable under Sections 448, 376(2)(n), 506 read with 34 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 06.10.2023 at 22:00 hours, the *defacto*-complainant lodged a report stating that her husband went to Qatar seeking livelihood. They were having five children. In the year 2019, her husband bought a house in Akbar Hills. He went to Qatar in July, 2022. Since then, she was living alone with her five children in her house and was surviving on the income from the adjoining shutters which she gave for rent. Observing that she was living alone with her children, one Ghouse @ Kooni Ghouse (accused No.1) threatened her several times and was harassing her to get vacate the shutters and give them to him. He was also threatening that he would not vacate the pan shop which she had

rented to him. On 05.10.2023 at about 5:00 A.M., he trespassed into her house, attacked her and raped her twice. He threatened to kill her if she did not agree to the demands made by him. She got scared and went with her children to her mother's house at Kishanbagh and on the next date, lodged the report. Basing on the said report, the above crime was registered. The petitioners were produced on P.T. warrant on 28.11.2023.

3. Heard learned counsel for the petitioners/Accused No.4, 6 and 7 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the offences registered were having no application to the petitioners. The petitioners were falsely roped in the present case. They were daily wage labourers. Except in the present crime, the petitioners were enlarged on bail in all the other crimes and prayed to grant bail to the petitioners.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that they were involved in several other cases. A4 was involved in Cr.No.1062 of 2023 of Rajendranagar Police

Station registered for the offences punishable under Sections 302, 201 read with 34 IPC and Section 25(1)(A) of Arms Act, 1959. A4, A6 and A7 were involved in Cr.No.210 of 2023 of Attapur Police Station registered for the offences punishable under Sections 448, 307, 436, 506 IPC and Section 25(1)(A) of Arms Act, 1959 and in Cr.No.212 of 2023 of Attapur Police Station registered for the offences punishable under Sections 436, 506 IPC and opposed grant of bail to the petitioners.

6. Perused the record.

7. The record would disclose that the entire investigation was completed and charge sheet was also filed. The role of the petitioners was stated to be that they stood outside the house when A1 trespassed into the house of the victim and committed the offence of rape on her. There were no specific allegations made against the petitioners herein. The report lodged by the *defacto*-complainant was also silent about the presence of the petitioners. Considering the submission of the learned counsel for the petitioners that the petitioners were enlarged on bail in all other cases, it is considered fit to enlarge the petitioners on bail in the present case on certain conditions.

8. Accordingly, this Criminal Petition is allowed and the petitioners/Accused Nos.4, 6 and 7 shall be released on regular bail subject to the following conditions:

- i) The petitioners/Accused Nos.4, 6 and 7 shall execute a 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 learned XI Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.
- ii) The petitioners/Accused Nos.4, 6 and 7 shall not approach the victim or make any efforts either to threaten or induce her. If any complaints were lodged against them, the bail granted to them is liable to be cancelled.
- iii) The petitioner/Accused No.2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 26.02.2024

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Dr. G.RADHA RANI, J