

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2104 OF 2024

ORDER :

This criminal petition is filed by the petitioners-Accused Nos.2 and 3 under Section 438 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of anticipatory bail in Crime No.26 of 2024 on the file of the Gangadhara Police Station, Karimnagar District for the offences punishable under Sections 448, 506, 376 read with 109 IPC.

2. The case of the prosecution in brief was that on 06.11.2023 at about 23:00 hours, the victim woman, the *defacto*-complainant lodged a report before the police stating that she was having eye sight problem, as such, she used to stay at her house. Twelve years ago, her husband passed away and she was living with her two sons at Nagireddypur village. Her elder son was doing a job and was staying outside and her younger son was living along with her. On 06.11.2023, when her younger son had gone outside, at 11:00 P.M. somebody knocked the door. Considering that her younger son might have returned, she opened the door. Then the accused No.1 by name, Mudam @ Akuthota Rajaiah, aged about 60 years, who belonged to her village entered into the house and committed rape on her and threatened her with dire consequences to kill her, if she reported the matter to anyone. Due to fear she did not report the matter to anyone. But

accused Nos.2 and 3 insulted her fidelity before her son saying that why she was alive, even after the incident and abetted her to die. They further stated that they had abetted accused No.1 to commit rape on her. Basing on the said report, the above crime was registered.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioners submitted that the petitioners were not even present at the time of the incident. No role was played by them. Even as per the allegations in the crime, the rape was committed by accused No.1. Except Section 506 IPC, no other ingredients would attract against the petitioners and prayed to enlarge the petitioners on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioners.

6. Perused the record. Considering the contents of the complaint, as the petitioners were not present at the time of the offence and the truth or otherwise of the allegations whether they abetted the accused No.1 to commit the offence or whether they abetted the victim women to commit suicide can be decided only during the trial, 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-accused Nos.2 and 3 are granted anticipatory bail, subject to the following conditions:

- (i) The petitioners-accused Nos.2 and 3 are directed to surrender before the Station House Officer, Gangadhara Police Station, Karimnagar District within a period of fifteen (15) days from today, and on such surrender the said Station House officer, shall release the petitioners on bail on their executing 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 said Station House Officer.
- (ii) The petitioners-accused Nos.2 and 3 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.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

February 26, 2024

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