

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2239 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – accused No.1 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in Crime No.200 of 2023 on the file of PS Athmakur, Rachakonda, Yadadri Bhongir District registered for the offences under Sections 354-A, 376 and 506 of IPC and 3(1)(r)(s) and 3(2)(v) of SC / ST (Prevention of Atrocities) Act, 2015.

2. The case of the prosecution in brief was that on 23.12.2023, the de-facto complainant lodged a report before the Bhongir (Rural) Police Station stating that she was working as Mandal Agricultural Officer since December, 2017. She got acquainted with the petitioner – A1, who was serving as Agriculture Extension Officer in the same place and out of that acquaintance, A1 developed ill intention and grudge against her and started harassing her. He outraged her modesty. When she was alone and boarded the car of A1 from Athmakur to Hyderabad and after reaching the outskirts of Athmakur Village, A1 sexually harassed her, attacked her and forcibly raped her. She was afraid to inform the same to her husband and family members. A1 and A2 hatched a plan to defame her in the Department as well as in the society.

3. She further stated that while she was on election duty in the Collector Office, Bhongir, A1 visited the Collector Office and abused her in filthy language and attacked her and slapped her in a public place and tried to kill her with a knife and A1 and A2 threatened her with dire consequences in the name of her caste.

4. Basing on the said report, a zero FIR was registered initially and the same was subsequently transferred to PS Athmakur, Rachakonda, Yadadri Bhongir District.

5. Notice was issued to the de-facto complainant. The same was served on her, but there was no representation on her behalf.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

7. Learned counsel for the petitioner submitted that the de-facto complainant foisted a false case as a counter-blast to the case registered against the petitioner on 10.11.2023 by Bhongir Rural Police in Crime No.385 of 2023 under Section 307 of IPC. The de-facto complainant was suspended for her aggressive attitude. She bore grudge against the petitioner – accused and stabbed him. On the basis of the complaint lodged by the father of the petitioner No.1 – A1, she was sent to judicial custody in the said case. The

petitioner was apprehending his arrest and prayed for grant of anticipatory bail to the petitioner.

8. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that there were prima facie allegations against the petitioner in the report lodged by the de-facto complainant.

9. Perused the record.

10. Considering that no date and time of the incidents were mentioned by the de-facto complainant in her report showing when she was sexually harassed or raped by the petitioner herein and in the same manner no date and time of the incident when she was attacked and slapped in a public place was also not mentioned by her and considering the case filed by the father of the petitioner against the de-facto complainant herein under Section 307 of IPC and the photographs were also filed showing her stabbing the petitioner – A1 and the injury certificate of the petitioner was also disclosing that he sustained two lacerated injuries and deep wounds of two fingers deep and as the truth or otherwise of the allegations made by the de-facto complainant can be proved only during the trial, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

11. In the result, the Criminal Petition is allowed and the petitioner – accused is granted anticipatory bail, subject to the following conditions:

(i) The petitioner – accused is directed to surrender before the Station House Officer, Athmakur Police Station, Rachakonda, Yadadri Bhongir District within a period of two (2) weeks from the date of this order, and on such surrender the Station House Officer, Athmakur Police Station, Rachakonda, Yadadri Bhongir District shall release the petitioner on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – accused shall comply with all the conditions laid down under Section 438(2) of Cr.P.C.

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

Dr. G.RADHA RANI, J

Date: 28th February, 2024
Nsk.