

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2812 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/Accused under Sections 437 and 439 of Cr.P.C. for grant of regular bail in Crime No.06 of 2024 of Chityal Police Station, Jayashankar Bhupalpally District, registered for the offences punishable under Sections 366, 376(1) and 506 of IPC.

2. The case of the prosecution, in brief, was that on 08.01.2024 at about 12.00 noon, the brother of the victim woman came to the Police Station and lodged a report about the missing of his sister who was a married woman and having two children. He stated that his brother-in-law dropped the victim woman on 07.01.2024 at her parent's house located at Bavusinghpally Village, on the eve of Bonalu festival and she was missing from midnight. Basing on the aforesaid report, a crime was initially registered as "Woman Missing" and later the victim woman along with with her mother came to the Police Station on 22.01.2024 and basing on her statement the case was registered for the offences under Sections

366, 376(1) and 506 of IPC. The petitioner/accused was arrested on 03.02.2024.

3. As per the prosecution case, the accused was acquainted to the victim woman for the past three years and he captured her photos and saved them on his mobile and was threatening her by showing the said photographs. On the call given by the petitioner/accused to her on her mobile and on his threatening, the victim woman left with him to his house located at Gudepally Village and he confined her along with him and had taken her to Vemulawada, Basara, Kamareddy and kept her in his custody from 07.01.2024 to 22.01.2024. Later, the victim woman escaped from him and went to her mother.

4. Heard learned counsel for petitioner/Accused and the learned Additional Public Prosecutor representing the respondent-State.

5. Learned counsel for the petitioner/Accused submitted that it was a consensual relationship between the petitioner and the alleged woman who was shown as a victim. The petitioner/accused

never called the woman out of her house. The woman on her free will left her house and moved along with the petitioner to all the said places. He further submitted that the petitioner/accused was also a married person and his wife was carrying seventh month pregnancy. As the petitioner/Accused was in custody for the past forty days i.e., since 03.02.2024, he prayed to enlarge the petitioner/Accused on bail.

6. Learned Additional Public Prosecutor stated that the victim in her 161 statement stated that the petitioner/accused blackmailed her by showing the photos but when her 164 Statement was recorded, she had not opened her mouth and not stated anything against the petitioner/accused.

7. Considering the submissions of both the learned counsel, as *prima-facie* it appears to be a consensual relationship between the woman and the petitioner/Accused, between two married persons and the mobile phone of the petitioner/accused was also seized by the police but no incriminating material was alleged to be found in it, it is considered fit to enlarge the petitioner/Accused on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be released on bail subject to the following conditions:

- 1) The petitioner/Accused shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each to the satisfaction of the Principal Sessions Judge, Jayashankar Bhupalpally, Bhupalpally District.
- 2) The petitioner/Accused shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 14.03.2024
sa/vsl

Dr. G. RADHA RANI, J