

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2869 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.1 and 2 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release them on regular bail in Crime No.52 of 2024 on the file of Hanumakonda Police Station, Hanamukonda District, registered for the offences punishable under Sections 376(2)(n), 420, 506 read with 109 of Indian Penal Code, 1860 (for short, ‘IPC’) and Section 66D of Information Technology (Amendments) Act, 2008 (for short, ‘ITA Act’).

2. The case of the prosecution in brief was that on 31.01.2024 at 20:30hrs, the *de facto* complainant/the victim women came to Police Station and lodged a report stating that she was a married women having children and got acquainted with the petitioner No.1/accused No.1 while she was moving around the Courts for divorce with her husband. In the year 2018, Accused No.1 came to her house and made her believe that he would marry her and participated in sexual intercourse with her. Thereafter also he

approached her several times but dodged the matter of marriage with her. He also obtained her nude photos and threatened her and committed rape on her repeatedly. Using the same, he had also taken an amount of Rs.8,76,053/- from her and an additional amount of Rs.5,00,000/-, in total she transferred net cash of Rs.13,76,053/- through PhonePe and bank account and was blackmailing her and trying to indulge her in sexual acts. The petitioner No.2 was the mother of the petitioner No.1/Accused No.1 and she also went to the house of the victim on 01.10.2023 and threatened the complainant to write on a bond paper stating that she was not concerned with accused No.1. Accused No.2 was also making phone calls to the family members of the victim and threatening them. Basing on the said report, the above crime was registered and accused Nos.1 and 2 were arrested on 19.02.2024.

3. Heard the learned counsel for the petitioners-Accused Nos.1 and 2 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the victim women voluntarily moved with the petitioner No.1/accused

No.1 and when some differences arose between them, she was making bald allegations against the petitioners. The petitioner No.1 never forced or cheated the *de facto* complainant. As on today, as many as 19 witnesses were examined by the police. The entire investigation was completed. The petitioners were not required for further investigation and prayed to enlarge the petitioners on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner No.1/accused No.1 stating that several allegations were made by the *de facto* complainant against him which were grave in nature for the offences under Sections 376(2)(n), 420, 506 read with 109 of IPC and Section 66D of ITA Act and that the petitioner No.1/accused No.1 was not entitled to be released on bail.

6. Perused the record.

7. Considering the gravity of the allegations made by the *de facto* complainant against the petitioner No.1/accused No.1 that he was blackmailing her by using her nude photos and also extracted money from her to an extent of Rs.13,76,053/-, it is considered not a fit case to enlarge the petitioner No.1/accused No.1 on bail. However, considering that there were no grave allegations made

against the petitioner No.2/accused No.2 except stating that she came to the house of the victim on 01.10.2023 and threatened them and that she was also making phone calls to the relatives of the victim and threatening them, and she being a women and was in custody since 19.02.2024, it is considered fit to enlarge the petitioner No.2/accused No.2 on bail.

8. Accordingly, the Criminal Petition is partly allowed dismissing the petition against petitioner No.1-accused No.1 and allowing the petition against petitioner No.2-accused No.2. The petitioner No.2-accused No.2 shall be released on regular bail subject to the following conditions:

- i) The petitioner No.2/Accused No.2 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 II Additional Judicial Magistrate of First Class at Hanumakonda.
- ii) The petitioner No.2/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:15.03.2024
dgr

Dr. G.RADHA RANI, J