

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2877 of 2024

ORDER:

This Criminal Petition is filed by the petitioners/A2 and A3 under Section 438 of Cr.P.C. for grant of anticipatory bail in Crime No.112 of 2024 of Jubilee Hills Police Station, Hyderabad, registered for the offences punishable under Sections 376(2)(n), 417, 313 and 506 r/w 34 of IPC.

2. The case of the prosecution, in brief, was that on 30.01.2024, at 13:00 hours, the *de facto* complainant, the victim woman, lodged a report before the police stating that she was a working woman and while working in the office, she got acquainted with her co-worker (A1) and their friendship turned into love. She knew that A1 was married to one Shravanthi (A3) but A1 promised her that he would give divorce to his wife and would marry her again and she believed A1. Since February 2022, he used to take her to OYO room, Kondapur and there they used to have physical relationship. She became pregnant in the month of November, 2023 and informed A1 about her pregnancy. On 17.11.2023, A1 took her to Sai Diagnostics, Shivam Road, Nallakunta, Hyderabad and by

making a wrong entry of her name, got her checked with the doctor. The doctor confirmed that she was carrying two weeks pregnancy. A1 also took a personal loan of Rs.1,00,000/- on her name at Bajaj Finance in the month of October, 2023 and paid EMIs for two months and later she was made to pay the EMI. The sister and wife of A1 i.e. A2 and A3 threatened her over phone to undergo abortion. On 26.12.2023, A1 gave a pill to her, due to which, she got bleeding and abortion. Basing on the said report, the above case was registered against A1 to A4 for the offences punishable under Sections 376(2)(n), 417, 313 and 506 r/w 34 of IPC.

3. Heard the learned counsel for petitioners/A2 and A3 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioners/A2 and A3 submitted that the *de facto* complainant was having knowledge that A1 was a married person and she also attended the marriage. She voluntarily participated in sexual intercourse with A1. She foisted a false case against the petitioners/A2 and A3. He further submitted that the

de facto complainant filed an affidavit reporting no objection for granting bail to A1 to A4 stating that the matter was settled between them amicably outside the Court.

5. The victim woman appeared before the Court and stated that there was no force or undue influence exercised against her and she voluntarily gave the affidavit. Her Aadhar card was verified by the learned Additional Public Prosecutor with regard to her identity and confirmed the same.

6. Perused the record.

7. Considering that it was a voluntary sexual intercourse between a man and a woman, who were both adults and knowing about the consequences the victim woman entered into the relationship with A1 and she voluntarily appeared before this Court and stating that the matter was compromised between them and she was not intending to proceed against the petitioners/A2 and A3 and reporting no objection for grant of anticipatory bail to the petitioners/A2 and A3, it is considered fit to grant anticipatory bail to the petitioners/A2 and A3 with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners/A2 and A3 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners/A2 and A3 are directed to surrender before the Station House Officer, Jubilee Hills Police Station, Hyderabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/A2 and A3 on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- 2) The petitioners/A2 and A3 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C. and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 18.03.2024
ssp

Dr. G. RADHA RANI, J