

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3714 OF 2024

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner/Accused in Crime No.41 of 2024 on the file of Station House Officer, Lingampet Police Station, Kamareddy District, registered for the offences punishable under Section 376 and 417 of Indian Penal Code (for short ‘IPC’).

2. The case of the prosecution in brief was that on 25.02.2024 at 14:30 hours, the *de facto* complainant came to the police station and lodged a report stating that she was aged 23 years and she got acquainted with petitioner/accused in the year 2019. The petitioner/accused followed her and proposed love to her. Though, initially she rejected his proposal, subsequently, accepted. In the year 2021 he forced the victim woman to meet physically. The complainant believing him, as he developed confidence in him and met with him physically at his home when there were no inmates at his house. Later, they both resided together in a room at Dilsukhnagar at Hyderabad and prepared for government jobs. They had sexual intercourse several times, due to

which she became pregnant. The petitioner got her aborted by saying deceitful words. After completion of coaching when they returned to their houses in the village she requested him several times for marriage but the petitioner postponed the same and finally blocked her phone number. The complainant along with her parents and an MPTC/Roopsingh approached the family members of the petitioner and raised the proposal of marriage but they rejected the marriage proposal and offered some compensation amount to be paid to the victim. As such, she lodged the report stating that she was cheated by the accused.

3. Basing on the said report, the above crime was registered and the petitioner/accused was arrested on 20.03.2024.

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

5. Learned counsel for the petitioner submitted that both the petitioner and complainant were in consensual relation, as such, the offences under Sections 417 and 376 of IPC would not attract. The complaint was lodged 4 years after the alleged incident. The petitioner was a permanent resident of Ayanpally village, Lingampet Mandal, Kamareddy District having fixed abode and landed property and prayed

to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that he made the victim woman believe that he would marry her and participated in sexual intercourse and later denied to marry her and also got her aborted and offered some amount as compensation to her, as such, he was not entitled for grant of bail.

7. Perused the record.

8. Considering that the *de facto* complainant is an adult woman aged 23 years and was in consensual sexual relationship with the petitioner for a period of more than one year and even after becoming pregnant with her consent only the same was aborted and as she filed the complaint only as he failed to marry her and the complaint would not disclose that he promised to marry her or under any misconception of marriage she permitted him to have sexual intercourse with her to attract the offences under Section 376 of IPC or Section 417 of IPC, it is considered fit to enlarge the petitioner on bail on certain conditions.

9. Accordingly, the Criminal Petition is allowed and the petitioner-accused shall be released on regular bail on his 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 the learned I
Judicial Magistrate of First Class at Yellareddy. The petitioner/Accused
shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 04.04.2024
dsv

THE HONOURABLE DR.JUSTICE G.RADHA RANI

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Dated:04.04.2024

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