

**THE HONOURABLE DR.JUSTICE G.RADHA RANI**

**CRIMINAL PETITION No.4239 OF 2024**

**ORDER:**

This Criminal Petition is filed by the petitioners – Accused Nos.1 to 3 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of anticipatory bail in the event of their arrest in Crime No.127 of 2024 on the file of Kodad Town Police Station, Suryapet District, registered for the offences punishable under Sections 376(2)(n), 417, 420, 504, 506 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 08.04.2024 at 21:00 hours, the *de facto* complainant/victim women came to the police station and lodged a report stating that she was acquainted with accused No.1 for the past eight years. He used to follow her in the name of love and induced her with his illusory words stating that he would marry her and forcefully enjoyed her sexually several times. He had also taken 5 lakhs cash, gold chain, Laptop and ATM card from her for his needs. Whenever she enquired about the marriage, he used to postpone the matter. He also captured photographs of her with him and was threatening her that if she would

not hear his words, he would post the said photos in website. He got engaged with another girl secretly and fixed his marriage on 21.04.2024 at Thirupathi. When she asked him about it, he stated that he was moving with her only for fun and he was not interested to marry her. When she informed to his parents, they also stated that accused No.1 would marry her only if she gives her house or 10 lakhs cash to him and also stated that whoever gives higher dowry they would perform the marriage of accused No.1 with them. Due to their harassment she tried to commit suicide once. When she went to the parents of accused No.1 i.e., accused Nos.2 and 3, they abused her and threatened her with dire consequences to kill her. Basing on the said report, the above Crime was registered.

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

4. Learned Counsel for the petitioners-accused Nos.1 to 3 submitted that the age of the complainant at the time of alleged offence was 24 years and the 1<sup>st</sup> petitioner had completed only 20 years of age. The complainant was elder than the 1<sup>st</sup> petitioner. The 1<sup>st</sup> petitioner

made a proposal for marriage but the complainant herself refused to marry him as they belonged to different castes. The 1<sup>st</sup> petitioner belonged to SC community and the complainant belonged to BC community. The complainant stated that her parents would not agree for the marriage. The complainant with an intention to blackmail the petitioners and to disturb his marriage lodged the present complaint. The 1<sup>st</sup> petitioner was working as Deputy Manager in Indusind Bank, Kodad Branch and the 2<sup>nd</sup> petitioner was suffering with ill health. An angiogram was done to him in 2019 at Century Hospital. The 3<sup>rd</sup> petitioner was a house wife and prayed to grant anticipatory bail to the petitioners.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that the petitioners deceived a young woman in the name of love and marriage and the petitioner/accused No.1 also caused miscarriage to her forcibly and also black mailed her by using photos which they have taken together saying that he would post the said photos in the website and all the petitioners also threatened the victim, as such, they were not entitled for grant of anticipatory bail.

6. Perused the record.

7. Considering that the offences under Sections 417, 420, 504 and 506 of IPC were punishable with less than seven years of imprisonment and the only other offence punishable with more than seven years of imprisonment was under Section 376(2)(n) of IPC and the same *prima facie* would not appear to attract as they were in a consensual relationship for a period of eight years and the report was lodged as the petitioner No.1 refused to marry her even as per her complaint, it is considered fit to grant anticipatory bail to the petitioners.

8. Accordingly, the Criminal Petition is allowed directing the petitioners/accused Nos.1 to 3 to be released on anticipatory bail subject to the following conditions:

- i) The petitioners-Accused Nos.1 to 3 are directed to surrender themselves before the Station House Officer, Kodad Police Station, Kodad Town, within a period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners-accused Nos.1 to 3 on bail, on their executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand

only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- ii) The petitioners/Accused Nos.1 to 3 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

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**Dr. G.RADHA RANI, J**

**Date:26.04.2024**  
**dgr**