

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.4772 of 2024

ORDER:

This criminal petition is filed under Sections 437 and 439 of Cr.P.C., by the petitioner/accused seeking regular bail in Cr.No.224 of 2024 of Borabanda Police Station, wherein, the allegations leveled against the petitioner are under Sections 376 (2) (n), 417, 420 and 506 of Indian Penal Code (for short 'IPC').

2. Heard Sri VSRMV Prasad Sanaka, learned counsel for the petitioner and Sri S.Ganesh, learned Assistant Public Prosecutor.

3. Learned counsel for the petitioner would submit that petitioner was arrested on 26.03.2024 and he is languishing in jail for the last one month. The petitioner is falsely implicated in this case. Earlier in another complaint vide Cr.No.6 of 2023 given by the complainant, the offence under Section 376 (2) (n) of IPC was not mentioned and only Section 420 of IPC was registered. In the said crime, police issued Section 41-A Cr.P.C., notice to the petitioner. The present case is filed with all false allegations only to settle the issues. As such, prayed the Court to grant bail to the petitioner.

4. Learned Assistant Public Prosecutor opposed the bail application stating that the allegations leveled against the petitioner are serious in nature and according to the instructions furnished to him, six witnesses were already examined, but charge sheet is not filed.

5. Having regard to the submissions made by both counsel and the material placed on record, it is seen that the statement under Section 161 of Cr.P.C., of the victim shows that she got acquaintance with the accused in Inorbit Mall and due to such acquaintance, the victim gave money to the petitioner on his request that he needs money for Heart operation of his father. The victim had also physical relationship with the petitioner and whenever she asked about marriage, he avoided her and threatened her not to reveal to anyone and thus cheated her. As such, she gave complaint to the police. However, as the investigation is in progress and six witnesses were already examined, this Court is of the view that the request of the petitioner can be accepted for grant of regular bail on certain conditions.

6. In the result, the Criminal Petition is allowed and the petitioner/accused shall be enlarged on regular bail subject to the following conditions:

- (i) The petitioner/accused shall execute a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties for a like-sum each to the satisfaction of III-Additional Chief Metropolitan Magistrate, Hyderabad at Nampally.
- (ii) The petitioner/accused shall comply with the conditions stipulated under Section 437 (3) of Cr.P.C.and shall appear before the trial Court on all the dates when his presence is required.

Miscellaneous applications, if any pending, shall stand closed.

29th April, 2024
Rds

K. SUJANA, J

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No. 4772 of 2024

DATE :29.04.2024

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