

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4625 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – accused under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of anticipatory bail in the event of his arrest in Crime No.281 of 2024 on the file of Station House Officer Gachibowli Police Station, Cyberabad, registered for the offences punishable under Sections 417, 420, 376(2)(n) of Indian Penal Code, 1860 (for short, ‘IPC’) and Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, ‘SC/ST (POA) Act’).

2. The case of the prosecution in brief was that on 03.03.2024 at 16.15 hours, the *de facto* complainant i.e., respondent No.2 came to the police station and lodged a written report stating that she was cheated in the name of love by the petitioner-accused and after having physical relationship, he avoided her and refused to marry her saying that she belonged to Scheduled Tribe. Basing on the said report, the above crime was registered.

3. Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner-accused submitted that on the advice of elders of both the parties, the issue was compromised and the petitioner-accused married the respondent No.2/complainant. The marriage was solemnized on 15.04.2024 and now they were living together as wife and husband. The petitioner married with his free consent. After the marriage, the compromise petition was also filed in the quash petition filed by the petitioner in Criminal Petition No.4452 of 2024.

5. He further submitted that Section 376(2)(n) of IPC was not applicable and even if the allegations were considered as true, they would amount to breach of agreement or promise which would not attract the offence of rape and prayed to enlarge the petitioner-accused on anticipatory bail.

6. The respondent No.2 also appeared before the Court in person and stated that she was married with the petitioner-accused on 15.04.2024 and that she was not intending to proceed with the matter.

7. Learned Additional Public Prosecutor also reported no objection for grant of anticipatory bail in the changed circumstances.

8. Considering the submissions of both the learned counsel and the respondent No.2 as well as the petitioner-accused appeared before the Court and stated that the petitioner married the respondent No.2 with his free will and consent and the marriage certificate was also enclosed at page number 21 of this petition and Memorandum of Understanding (MOU) was also recorded between the parties and the same was also enclosed at page number 19, it is considered fit to enlarge the petitioner-accused on anticipatory bail.

9. Accordingly, the Criminal Petition is allowed directing the petitioner/accused to be released on anticipatory bail subject to the following conditions:

- i) The petitioner-Accused is directed to surrender himself before the Station House Officer, Gachibowli Police Station, Cyberabad, within a period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner-accused on 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 said Station House Officer.

- ii) The petitioner/Accused shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:29.04.2024
dgr

Dr. G.RADHA RANI, J