

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5539 of 2024

ORDER:

This petition is filed under Sections 437 and 439 of the Criminal Procedure Code seeking to release the petitioner, who is the sole Accused, on bail in Crime No.54 of 2024 of Lingala Ghanpur Police Station, Jangaon District, registered for the offences under Sections 417, 420, 313 and 376 (2)(n) IPC and Section 3(1)(r), 3(2)(v), 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,1989 (for short, 'the Act').

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor appearing for the respondent-State, Sri M.Vigneshwar Reddy, learned counsel appearing for respondent No.2 and perused the record.

3. The petitioner was arrested on 05.04.2024 in connection with Crime No.54 of 2024 of Lingala Ghanpur Police Station, Jangaon District. It is alleged that the *de facto* complainant -

victim is an orphan. From the year 2020 onwards, the petitioner - accused had acquaintance with the victim. The petitioner induced her in the name of love and to marry her and had physical relationship with her and as a result, the victim conceived. She requested the petitioner to marry her. But, the petitioner postponed the marriage on one pretext or other. In the month of April, 2022, the victim became pregnant and the petitioner got her pregnancy aborted. Further, the petitioner had taken an amount of Rs.2,00,000/- from the victim by saying deceitful words. Now, again the victim conceived and carrying two months' pregnancy. When the victim asked the petitioner to marry her, he refused and abused her in the name of her caste and demanded the victim to undergo abortion.

4. Learned counsel for the petitioner submitted that even as per the admitted case of the *de facto* complainant - victim, there was a physical relationship between both of them for a long time and it is not a case of rape punishable under Section 376 (2) (n) I.P.C.

5. Learned counsel for respondent No.2 submits that the petitioner had physical relationship with the victim for a long time

by saying deceitful words with a promise to marry her. The victim is carrying two months' pregnancy and if the petitioner is released on bail, she would be harassed and subjected to threats and there is also danger to her life.

6. Learned Assistant Public Prosecutor submitted that the allegations made against the petitioner would attract the offence under Section 376 (2) (n) I.P.C apart from the offences under Sections 417 and 420 I.P.C. Further, the victim is a lady belonging to Scheduled Caste community and the offences under Section 3(1)(r), 3(2)(v),3(2)(v)(a) of the Act also attracted.

7. As seen from the remand report, 14 witnesses have already been examined and major part of the investigation is completed. Moreover, it is an admitted case of the victim that she had physical relationship with the petitioner for a long time. In the circumstances, this Court is inclined to grant bail to the petitioner-accused.

8. In view of the above, the Criminal Petition is allowed and the petitioner-accused is directed to be enlarged on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten

Thousand only) with two sureties for a like sum each to the satisfaction of learned Special Sessions Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act – cum –II Additional Sessions Judge, Warangal. After release, the petitioner-accused shall not either directly or indirectly indulge in any acts of intimidation or threats against the *de facto* complainant. In case, the *de facto* complainant is subjected to any intimidation or threat, liberty is given to her to approach this Court for modification of this order.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

B. VIJAYSEN REDDY, J

Date: 23.05.2024

YVL/KL