

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13066 OF 2024

ORDER:

This criminal petition is filed by the petitioner – Accused under Sections 480 and 483 of the BNSS to enlarge the petitioner – Accused on bail in Crime No.170 of 2024 on the file of the Station House Officer, Maldakal (M) Police Station, Jogulamba Gadwal District, registered for the offences under Sections 312, 376 and 420 of the Indian Penal Code, 1860 (for short, ‘the IPC’).

2. Heard Sri Y.Soma Srinath Reddy, learned counsel appearing on behalf of Sri Nageshwar Rao Pujari, learned counsel for the petitioner-Accused and learned Additional Public Prosecutor for respondent-State.

3. Learned counsel for the petitioner submitted that the victim was in consensual sexual relationship with the petitioner – accused. The petitioner was in custody for the past 50 days since 09.09.2024. The petitioner herein hails from a reputed family and he was implicated in a false case and relied upon the judgment of the Hon'ble Apex Court in ***Dr.Dhruvaram Murlidhar***

Sonar v. The State of Maharashtra and Others¹ and prayed to enlarge the petitioner on bail.

4. The learned Additional Public Prosecutor opposed grant of bail to the petitioner submitting that the petitioner – accused was in relationship with the victim for the past 9 years and got her aborted twice and cheated the victim under the guise of love and marriage and used her for his sexual desire and later refused to marry her.

5. Perused the record.

6. Considering the facts and circumstances of the case that the victim was a major woman and she was in consensual sexual relationship with the petitioner for the past several years and lodged this case when the petitioner refused to marry her and the petitioner was in custody since 09.09.2024 and also considering the judgment of the Hon'ble Apex Court in ***Dr.Dhruvaram Murlidhar Sonar (Supra)***, wherein it was observed that it is difficult to hold that sexual intercourse in the course of a relationship which has continued for eight years is 'rape', it is considered fit to enlarge the petitioner on bail.

¹ Criminal Appeal No.1443 of 2018

7. In the result, the Criminal Petition is allowed directing the jail authorities to release the petitioner on bail subject to his executing a personal bond for Rs.25,000/- with two (02) sureties for the like-sum each to the satisfaction of the Judicial First Class Magistrate at Gadwal. Further, the petitioner shall abide by the conditions laid down under Section 480(3) of the BNSS.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

November 04, 2024
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