

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.11694 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.1 seeking bail in the event of his arrest in connection with Crime No.441 of 2023 on the file of Armour Police Station, Nizamabad District, registered for the offences under Sections 420 and 376 of iPC and Section 3(1) (r) (s) w(ii) and 3(2)(v) of SC & ST (POA) Act, 2015.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The 2nd respondent filed a written complaint with the Armour Police stating that from the year, 2019 she was acquainted with this petitioner. The petitioner went to the house of *de-facto* complainant in April 2020 and requested to perform their marriage. However, the parents of the *de-facto* complainant asked the petitioner to get consent from his parents. Thereafter, they started having physical relation. They stayed together in a rented house in Rajaram Nagar, Armour introducing themselves to the owner of the house as husband and wife. Later, she became pregnant and this petitioner

dropped her at her house on 14.09.2023. Thereafter, the petitioner stopped responding to her phone calls.

4. Learned counsel for the petitioner would submit that there is no allegation against the petitioner to attract an offence under SC/ST Act. The allegation of abusing in the name of the caste is against the mother of the petitioner and not against the petitioner.

5. Having perused the complaint, the 2nd respondent stated that the mother of the petitioner abused her in the name of caste that they would provide money to her to get rid of her.

6. Admittedly, the petitioner and the 2nd respondent were in physical relation over a period of four years. Both are adults. It appears that on account of refusal of the petitioner to marry the 2nd respondent, the complaint was filed.

7. In the said background, when the allegation of abusing in the name of caste is against the mother not against this petitioner and further physical relation *prima facie* appears to be consensual, this Court deems it appropriate to grant the relief of anticipatory bail, subject to following conditions:-

- 1) The petitioner/Accused No.1 is directed to surrender before the Station House Officer, Armoor Police

Station, Nizamabad District, on or before 10.01.2024. Upon such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, for a like sum each to his satisfaction.

- 2) On such release, the petitioner/Accused shall appear before the concerned Station House Officer at 10:00 a.m. on every Monday for a period of four weeks and thereafter as and when required, for the purpose of investigation.
- 3) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 03.01.2024
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K.SURENDER, J

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Dt.03.01.2024

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