

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13638 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 480 & 483 of BNSS for grant of regular bail in Crime No.1228 of 2024 of PS KPHB Colony, registered for the offences punishable under Sections 376, 420, 506 of Indian Penal Code, 1860.

2. The case of the prosecution in brief was that on 28.10.2024 at 12:00 hours, the *de-facto* complainant, the victim woman lodged a report stating that she got acquaintance with the petitioner herein. In the absence of her husband and children, he used to visit her house, threatened her and physically enjoyed with her. Subsequently, he asked her to leave her husband and children. On 06.04.2023, when she was with her children at Flat No.501, Arjuna Towers near JNTU, he directly came to her house and threatened her and her children. At that time her husband was not at home. As such, she dialed 100, police came, scolded him and took him. He lodged a false complaint at P.S. Raidurgam *vide* Crime No.500 of 2023 against her and her children and subsequently he was demanding her to give amount to withdraw the case at Raidurgam P.S. Even she had also given some cheques to him. Without her permission, he used to check her call list and harass her as to with whom she was talking. He deposited

money to her and her daughter and son's bank account and on the basis of the said evidence, he lodged a false complaint against her and her children. Due to his harassment, she shifted the house to HMT Hills, Road No.3, KPHB, Pragathi Nagar, 8 months ago, but he was able to trace out her house location and was threatening her.

3. Basing on the said complaint, a case was registered and the petitioner/accused was arrested on 28.10.2024.

4. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

5. The learned counsel for the petitioner submitted that the present case was registered as a counter blast to the complaint given by the petitioner to P.S., Raidurgam which was registered as Crime No.500 of 2023 for the offences under Sections 383, 406, 420 read with 34 of IPC. The police Raidurgam, after investigating the said offences, filed charge sheet against the *de-facto* complainant and her children which was numbered as C.C.No.1085 of 2024 on the file of II Additional Junior Civil Judge-cum-XIII Additional Judicial Magistrate of First Class, Medhcal-Malkajgiri District at Rajendra Nagar. The accused No.1 made her appearance before the Court on 24.09.2024 and 05.12.2024. In order to settle the case, she registered the present crime and was misleading the police and falsely implicated the petitioner. The petitioner

challenged the high handedness of the respondents by filing W.P.No.30468 of 2024 but in the meanwhile, the police of P.S. K.P.H.B affected the arrest of the petitioner and remanded him to judicial custody. The entire investigation was completed, except filing the charge sheet and prayed to enlarge the petitioner on regular bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that even after the petitioner lodging the complaint against the *de-facto* complainant on 12.05.2023, he was approaching the *de-facto* complainant in the present case and was harassing her continuously, as such the present complaint was filed by her and prayed to dismiss the bail application of the petitioner.

7. Considering that the petitioner herein earlier lodged a private complaint against the *de-facto* complainant, on 12.05.2023 which was referred to the police and registered as Crime No.500 of 2023 of P.S. Raidurgam and the police after investigation filed a charge sheet against the *de-facto* complainant herein and her children showing them as A-1 to A-3 and as per the investigation, police collected the financial transactions between the petitioner herein and the *de-facto* complainant and confirmed that an amount of Rs.50,24,244/- was transferred from the account of the petitioner to the account of the *de-facto* complainant and her children and that *de-facto* complainant also purchased gold

ornaments and the copies of the bills were also submitted by the petitioner herein to the concerned police and after verifying the truth of the entire allegations, the police filed charge sheet against A-1 to A-3 and as it appears that the present complaint was lodged by the *de-facto* complainant herein as a counter blast to the said case registered against her and her children and as the petitioner was in custody since 28.10.2024 and the truth or otherwise could be ascertained only after a full-fledged trial, it is considered a fit case for grant of regular bail to the petitioner.

8. In the result, the Criminal Petition is allowed directing the petitioner to be released on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a like sum each to the satisfaction of the IV Additional Junior Civil Judge-cum-XV Additional Metropolitan Magistrate at Kukatpally, Hyderabad. The petitioner/Accused shall comply with the conditions laid down under Section 480(3) of B.N.S.S. However, he shall not approach the *de-facto* complainant during the pendency of these cases.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 29th November, 2024

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