

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.16181 of 2024

ORDER:

Seeking the Court to enlarge the petitioner/accused in Crime No.1566 of 2024 on the file of Vanasthalipuram Police Station, Rachakonda, registered for the offences punishable under Sections 64, 318(4) of the BNS, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the petitioner enjoyed the de-facto complainant and exploited her sexually by her taking to a hotel. Despite he refused to marry her. Hence, the complaint.

3. Heard Sri Prabhakar Repaka, learned counsel for the petitioner and Sri Surepally Prashanth, learned assistant public prosecutor. Perused the record.

4. The learned counsel for the petitioner submits that the petitioner is falsely implicated in the present case and the police have hurriedly arrested the petitioner for extraneous reasons. He further stated that the ingredients of the complaint do not disclose the attempt of rape on the victim but simply accusing that the petitioner attempted to commit rape several times is imaginary and without any incriminating

evidence. Stating thus, he prayed to enlarge the petitioner on bail.

5. Learned assistant public prosecutor opposed the present application mainly contending that the investigation is in progress and if the petitioner is enlarged on bail, it will scuttle the process of investigation.

6. The learned counsel for the petitioner relied upon the ratio laid down by the Hon'ble Supreme Court in **Pramod Suryabhan Pawar Vs. The State of Maharashtra and another (SLP (Crl.) No.2712 of 2019)** wherein the Hon'ble Apex Court observed that in the present case the "misconception of fact" alleged by the complainant is the appellant's promise to marry her. Specifically in the context of a promise to marry, this Court has observed that there is a distinction between a false promise given on the understanding by the maker that it will be broken and the breach of a promise, which is made in good faith but subsequently not fulfilled.

7. Having regard to the principles laid down by the Hon'ble Apex Court in the decision cited supra and in the facts and circumstances of the case on hand, as an interim measure, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the present criminal petition is allowed enlarging the petitioner on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each to the satisfaction of the learned VII Additional Metropolitan Magistrate, Cyberabad at Hayathnagar. The petitioner shall appear before the investigating officer on every 1st and 3rd Saturdays of every month between 10.00 AM and 11.00 AM, he shall not tamper with the evidence or induce any person acquainted with the facts of the case and co-operate with the investigation, he shall not commit any similar offences, and also to surrender his passport, if any possessed, into the said Court. Any deviation in this regard leads to cancellation of bail granted in favour of the petitioner.

Miscellaneous applications, if any pending, shall stand closed.

E.V.VENUGOPAL, J

Date: 27.12.2024

Gms/gv