

THE HON'BLE SRI JUSTICE M.VENKATA RAMANA

CRIMINAL PETITION No.1976 of 2020

ORDER:

A1 in Crime No.84 of 2020 of Ganapavaram Police Station is the petitioner. The offences alleged against the petitioner are under sections 417, 376 I.P.C and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act(for short, 'the Act').

2. The petitioner has sought anticipatory bail.

3. The case of the prosecution is that the *de facto* complainant was one of the classmates of the petitioner in Physiotherapy course and she was also employed in the hospital run by the petitioner on a monthly remuneration of Rs.10,000/-. It is further case of the prosecution that relationship developed between the *de facto* complainant and the petitioner and the *de facto* complainant was made to trust and believe that the petitioner would marry her. Thus, the prosecution claimed that the *de facto* complainant was cheated in those circumstances and in the process, their relationship was not approved, since she belonged to scheduled caste.

4. Learned counsel for the petitioner contends that it is a totally false case foisted against the petitioner and that even if the allegations in the complaint are taken into consideration, Section 417 I.P.C alone is attracted in as much as the relationship between the petitioner and the *de facto* complainant continued out of consent and on account of her voluntary participation. It is further contended that the *de facto* complainant did not belong to scheduled caste and in those

circumstances the major offences whatever alleged, are not attracted. Stating that the petitioner is a physiotherapist running a clinic and in the event of refusal to grant anticipatory bail, he would suffer enormously, it is requested to allow this petition.

5. Learned Additional Public Prosecutor opposed this petition mainly on the ground that an offence under Section 376 I.P.C as well as under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are involved and having regard to the allegation against the petitioner, it is not a fit case, where discretion could be exercised. Learned Additional Public Prosecutor further contended that investigation is continuing in the matter.

6. The question relating to nature of relationship in between them whether on account of voluntary participation or otherwise is a matter of investigation. It cannot be immediately inferred likewise, basing on the allegations in the complaint alone. Community status of the *de facto* complainant shall also be subjected to investigation. When all the allegations set out in the complaint are taken into consideration, when gravity of the incident is well exposed, obviously this is not a fit case, where discretion can be exercised. If anticipatory bail as requested is granted, possibility of investigation getting effected is very much seen. Therefore, finding no justification, relief as sought cannot be granted.

7. In the result, the criminal petition is dismissed.

---

M.VENKATA RAMANA, J

Date: 29.05.2020

pab



THE HON'BLE SRI JUSTICE M.VENKATA RAMANA

CRIMINAL PETITION No.1976 of 2020

DATE: 29.05.2020

pab