

THE HON'BLE SRI JUSTICE K. SREENIVASA REDDY
CRIMINAL PETITION NO.7854 OF 2022

ORDER:-

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed on behalf of the petitioners/A-1 to A-4 to grant anticipatory bail in the event of their arrest in connection with Crime No.740 of 2021 of Arundalpet Police Station, Guntur Urban.

2) Originally, a case has been registered against the petitioners for the offence punishable under Section 509 of the Indian Penal Code, 1860 (for short 'IPC') and Section 66 C of the Information Technology Act, 2000 (for short 'IT Act'). Thereafter, the police during investigation added Section 354-D of I.P.C.

3) The accusation as against the petitioners is that the complainant gave a report on 06.12.2021 stating that he was working as a Dental Doctor and the petitioners herein created fake E-mail id on the name of the complainant and wrongly propagated against him that if an amount of Rs.30,000/- is paid to Dr.Chalapathi Rao, who is Examiner, then the Doctor would pass the students in exams,

otherwise that doctor would fail the students in exams. It further shows that they also created one girl friend namely Dr.Brhama Jyosula Purna Priya, who is working as Junior doctor to him and harassed her sexually if she comes to lodge, then doctor would pass her in exams, otherwise that doctor would fail her in exams. By making these kind of accusations, the petitioners tried to tarnish reputation of the *de facto* complainant in the society.

4) The contention of the learned counsel for the petitioners is that the police added Section 354-D IPC which is not at all maintainable.

5) On the other hand, learned Assistant Public Prosecutor opposed the petition.

6) Heard. Perused the record.

7) Without going into the merits of the case, this Court is of the opinion that all the offences that are alleged against the petitioners are bailable offences. The Court also perused that at first instance, the accusations that are made against the petitioners are under Section 509 of I.P.C and Section 66 C of the I.T. Act and subsequently Section

354-D of I.P.C is added. Section 354-D of I.P.C is bailable offence. In bailable offences, the maintainability of anticipatory bail under Section 438 of Cr.P.C does not arise.

8. In view of the aforesaid facts and circumstances of the case, this Court is inclined to dispose of the Criminal Petition on the ground that anticipatory bail is not maintainable for bailable offences. However, it is made clear that since the offences alleged are bailable, the petitioners are directed to surrender before the concerned Magistrate and on such surrender, the learned Magistrate release them on bail on certain terms and conditions.

8) Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE K. SREENIVASA REDDY

Dated 07.10.2022
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THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

CRL.P.NO.7854 of 2022

Date: 07.10.2022

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