

**THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY****CRIMINAL PETITION No.7955 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 & 439 of the Code of Criminal Procedure ('Cr.P.C.' in short), seeking bail, by the petitioner/A-3, in Crime No.124 of 2022 of Women Police Station, Vizianagaram, registered for the offences punishable under Sections 376, 506 (2) and 109 of the Indian Penal Code (for short, 'IPC') and Section 67A of the Information Technology Act,2000 (for short, the 'I.T.Act').

2. Case of the prosecution, in brief, is that on 03.05.2022, the de facto complainant was called over phone by A-2 asking her to come to Vizianagaram or else he would kill her husband and children and accordingly the de facto complainant went to Kota in Vizianagaram and from there A-2 took her to a room in Maruthi Lodge and by that time, the petitioner/A-1 was in that room, he participated in intercourse with her threatening that he would kill her husband and children and A-2 videographed the same through his cell phone and on noticing the same, she pushed them aside and came out of the lodge and reached home and thereafter on 16.05.2022 she learnt through her husband and other family

members that her video was posted in face book. The *de facto* complainant gave a report on 27.5.2022 to the Sub-Inspector of Police, Women Police Station, Vizianagaram and on receipt of the said report, the police registered a case in Crime No.124 of 2022 for the offences punishable under Sections 376, 506 (2) IPC and under Section 67 A of the I.T. Act. On 30.6.2022, the *de facto* complainant gave another report and in pursuance of the same, A3/the petitioner was implicated and the Sections of law were altered in the aforesaid Crime to that of Sections 376 and 506 (2) r/w 109 IPC and under Section 67A of the I.T. Act.

3. Heard Smt. T.V. Sridevi, learned counsel for the petitioner/A-3, and Sri Sravan Kumar Naidana, learned Special Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that there is absolutely no accusation against the petitioner herein in the complaint filed by the *de facto* complainant at the initial stage, and thereafter at a belated stage, 2<sup>nd</sup> report was given by the *de facto* complainant against the petitioner herein alleging that on the instigation of the petitioner herein, A1 and A2 committed the aforesaid offences.

5. The learned Special Assistant Public Prosecutor contended that the entire investigation was completed and police filed charge sheet also.

6. In view of the fact that that the petitioner is in jail since 15.9.2022 and charge sheet has been filed, this Court is inclined to grant bail to the petitioner/A3. Accordingly, the petitioner/A-3 shall be released on bail on his executing personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate (Special Mobile), Vizianagaram.

Accordingly, the Criminal Petition is allowed.

As a sequel, pending miscellaneous petitions shall stand closed.

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**JUSTICE K.SREENIVASA REDDY**

Date:13.10.2022

**Note:**

Issue C.C. today

B/o

GR

**THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY**

**CRIMINAL PETITION No.7955 OF 2022**

Date:14.10.2022  
GR

**CRIMINAL PETITION No.3927 OF 2022**

Date: 09.06.2022

ASH/KA