

**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**CRIMINAL PETITION No.5192 OF 2019**

**ORDER:-**

In this petition filed under Section 438 of Cr.P.C, petitioner/accused seeks to grant pre-arrest bail in Crime No.60 of 2019 of Pedanandipadu Police Station, Guntur District, registered for the offences under Sections 376, 406, 417 of IPC.

2. It is a case of sexual assault of married woman coupled with criminal breach of trust followed by cheating that occurred on 15.04.2019 at about 10:00 P.M., in the house of the victim at Pedanandipadu village. The victim was a divorcee and living by doing flower business and the accused joined her in that business as a coolie on monthly salary basis. By getting acquaintance with the victim, the petitioner trespassed into her house and forcibly participated in sexual intercourse with her against her will and with a promise to marry her and under the guise of marriage, the petitioner took some money and discarded her. Investigation is reported to be pending.

3. A perusal of the F.I.R shows that there is a strong prima-facie accusation against the petitioner, learned counsel for petitioner sought for bail on the submission that the present complaint is a counterblast to the F.I.R No.259 of 2019 of Narasaraopet Police Station, which was registered on the complaint given by one Yesu Mariyamma Gunturu for the offences under Sections 323, 354, 506, r/w.Sec.34 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SCs & STs (POA) Act.

It is further submitted that the petitioner is innocent and he is unnecessarily implicated in this case.

4. As already stated *supra*, the F.I.R in Crime No.60 of 2019 depicts a strong prima-facie case against the petitioner. Further in Crime No.60 of 2019 complaint was given on 20.06.2019 basing on which, F.I.R was registered whereas, in Crime No.259 of 2019 complaint was given on 01.07.2019 and F.I.R was registered on that date. Therefore, it is debatable point as to whether Crime No.60 of 2019 is a counterblast to Crime No.259 of 2019. Therefore, investigation must go on in both the F.I.Rs to unearth the truth. As the matter stands, in view of the gravity of the allegation and pending investigation, it is not a fit case to grant anticipatory bail to the petitioner.

5. Accordingly, the Criminal Petition is dismissed.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

04.09.2019  
MS

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**U.DURGA PRASAD RAO, J**

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Date. 04.09.2019

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