

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERBAD

TUESDAY ,THE TWENTY FIRST DAY OF JANUARY TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

IA No. 1 OF 2019

IN

CRLA NO: 1206 OF 2019

Between:

Mr. Sagaram Raju, S/o.Gouraiiah,

...Petitioner/Appellant
(Appellant in CRLA No. 1206 OF 2019
on the file of High Court)

AND

The State of Telangana, Rep.by its Public Prosecutor, High Court Building,
Hyderabad. Through P.S.,Vemulawada.

...Respondent/Respondent
(Respondents in-do-)

Counsel for the Petitioner : SRI C KUMAR

Counsel for the Respondent : PUBLIC PROSECUTOR (TG)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the sentence imposed by the Special Sessions Judge for Fast Tracking the cases relating to Atrocities against Women, Karimnagar vide Judgment dated.26/11/2019 in S.C.No.298/2017 and release the Petitioner on bail during the pendency of the present appeal in the interest of Justice, Pending disposal of CRLA No. 1206 of 2019, on the file of the High Court.

The Court made the following

ORDER:

This bail application is filed by the appellant, accused in S.C. No. 298 of 2017 on the file of the Special Sessions Judge for Fast Tracking the cases relating to atrocities against women, Karimnagar.

The learned counsel for the appellant has raised the following contentions in order to seek the benefit of bail to the appellant:-

Firstly, that since the deceased parents of the prosecutrix have borrowed Rs.50,000/- from the appellant, who is the uncle of the prosecutrix, the prosecutrix has foisted a false case upon the appellant.

Secondly, the falsity of the case is clear from the fact that when the prosecutrix lodged the complaint before the Police Station on 04-12-2016, she has signed the complaint in Telugu, but when she deposed before the Court, she has signed her testimony in English.

Thirdly, there is an inordinate delay in reporting of the case of the alleged rape, repeatedly committed by the appellant.

Fourthly, there is a contradiction in the testimony of the prosecutrix (P.W. 1), and the testimony of Bathini Suresh (P.W. 2), the brother of the prosecutrix. While the prosecutrix claims that her brother used to leave the house everyday, and used to work as a barber in the temple, Bathini Suresh (P.W. 2) admits in his cross-examination that there was no fixed time for him to work as a barber at the temple, and the temple had different barbers, who worked at different time schedule. This contradiction in the testimonies of the prosecutrix (P.W. 1), and of Bathini Suresh (P.W. 2), falsifies the entire case of the prosecutrix against the appellant.

On the other hand, the learned Additional Public Prosecutor has pleaded that both to the prosecutrix (P.W. 1) and to Bathini Suresh (P.W. 2), the defence had suggested that their deceased parents have borrowed Rs.50,000/- from the appellant. However, the said suggestion has been denied. In fact, the appellant has not produced any evidence to establish the fact that he had lent Rs.50,000/- to the deceased parents of the prosecutrix.

Secondly, merely because the prosecutrix has signed the complaint in Telugu, and the deposition in English would not falsify her statement against the appellant.

Thirdly, in her testimony, the prosecutrix clearly stated that after the death of her parents, the appellant started visiting their house where she was living with her brother. During the absence of her brother, he repeatedly committed rape upon her. She further stated that due to the rape, she became pregnant; she had to abort the child. The fact that the prosecutrix became pregnant is a clear indication that her story is a true one. Therefore, the learned Additional Public Prosecutor has vehemently opposed the grant of bail to the appellant.

Without expressing any opinion on the merits or demerits of this case, this Court is not inclined to grant the benefit of bail to the appellant.

Therefore, the bail application is, hereby, dismissed.

//TRUE COPY//

SD/- N. PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Sessions Judge for Fast Tracking the cases relating to Atrocities against Women, Karimnagar
2. The Judicial Magistrate of First Class, Vemulawada
3. The Superintendent, Central Jail, Warangal
4. One CC to SRI. C KUMAR Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR (TG), High Court at Hyderabad [OUT]
6. One spare copy

HIGH COURT

HCJ & AARJ

DATED:21/01/2020

ORDER

IA No. 1 of 2019

In

CRLA.No.1206 of 2019

APPLICATION IS DISMISSED

