

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5600 of 2015

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ORDER :

The petitioners filed this petition under Section 439(2) of Cr.P.C., seeking to cancel the bail granted on 15-05-2015 to the 2nd Respondent herein in Crl.M.P.No.193 of 2015 (Crime No.390 of 2014) on the file of the Court of the Sessions, Prakasam Division, Ongole.

The brief facts of the case are as follows :

The petitioner No.1 herein has filed a complaint against the 2nd respondent herein before the Ongole Taluq Police Station, Prakasam District and the same has been registered as F.I.R.No.390 of 2014 for the offences punishable under Section 6 of Protection of Children against Sexual Offences Act, 2012 and Section 506 of I.P.C. The main allegation in the complaint is that the 2nd Respondent herein, being the Director of Sriprathibha College, committed aggravated penetrative sexual offence against the petitioner No.1 herein for the last two years by putting her in the fear of death. After lodging the complaint by the petitioner No.1 herein, the 2nd respondent herein filed Crl.M.P.No.193 of 2015 before the Court of Sessions,

Prakasam Division Ongole, for grant of anticipatory bail. The Court of Sessions, Prakasam Division, Ongole, by order dated, 15-05-2015 granted bail to the respondent No.2 herein. Aggrieved by the same, the present Criminal Petition is filed to cancel the bail.

The learned counsel for the petitioner submitted that after releasing on bail, the Respondent No.2 herein started threatening the victim girl and also her family and they were forced to leave the village apprehending danger in the hands of the Respondent No.2 herein. It is further submitted that earlier the petitioners herein approached this Court by way of a Writ Petition for Police Protection and the Police protection was also given to the petitioners herein. It is further submitted that she is being stopped from giving statement under Section 164 Cr.P.C. before the concerned Magistrate.

Per contra, the learned counsel for the Respondent No.2 herein submits that the respondent No.2 never interfered with the investigation and the question of threatening petitioners does not arise. It is further submitted that the victim girl never gone to the Court to give statement under Section 164 Cr.P.C.

Considering the rival contentions of both sides, the Criminal Petition is disposed of with the following directions :

- (i) The Respondent No.2 herein is directed

not to stay in the village where the victim girl is residing till filing of the charge-sheet :

- (ii) The Investigation Agency is directed to record Section 164 Cr.P.C. statement of the victim girl on or before 25-09-2015 and produce the same before the concerned Magistrate;
- (iii) The Respondent No.2 herein is directed not to interfere with the investigation in any manner; and
- (iv) If the Respondent No.2 herein interferes with the investigation or threatens the petitioners herein, petitioners herein are at liberty to approach this Court for the same relief.

JUSTICE RAJA ELANGO

09th September, 2015
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