

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.2514 of 2015

ORDER :

The petitioner, who is the sole accused, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the Crime No.10 of 2015 of Sirgapur Police Station, Medak District, registered for the offences punishable under Section 354 A of IPC read with Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act').

The case of the prosecution is as under:

On 06.03.2015 at about 05.30 p.m., the informant, who is a relative of the victim girl lodged a report stating that the victim who is his sister-in-law's daughter, aged about 14 years, staying at his house for the last six years, studying VIII Class in Z.P.High School, Madri, was found in a depressed mood and was not concentrating on her studies. When enquired, she revealed that the accused, who is working as teacher in her school was behaving indecently with her by showing obscene pictures in the cell phone thereby outraging her modesty. Further he is alleged to have threatened her not to reveal the same to others. Basing on these allegations, the present case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the petitioner is innocent and a false case has been foisted due to disputes in the elections which were held recently. He further submits that even accepting the allegations in the report to be true, an offence under Sections 8 of the POCSO Act is not made out and the other offences namely Section 354 A and Section 12 of the POCSO Act are bailable.

Learned Public Prosecutor strenuously opposed the application relying upon the statement of the victim revealed to the police during the course of investigation.

It is to be noted that the First Information Report came to be registered on the basis of the report given by the uncle of the victim to whom she disclosed about the incident.

A perusal of the statement of the victim would disclose that she is studying in VIII Class in Z.P.High School and the petitioner is a teacher in that school. Since last two years, the petitioner, who is a telugu teacher was harassing the victim by placing his hands on her chest, pressing her breasts tightly, kissing her forcibly by holding her hands and also hugging her tightly. Though initially she did not understand the behavior of the petitioner, but when he continued to misbehave with her, she understood his intention. It is stated that the petitioner started showing obscene pictures to her through his cell phone. The petitioner is alleged to have threatened the victim girl with dire consequences, if she reveals the act of harassment made by the petitioner. There was no change in his attitude, inspite of the complaint made to the Head Master of the School.

In view of the above versions stated by the victim girl, it cannot be said that ingredients constituting an offence under Section 8 of POCSO Act are not made out. It may be true that the offences under Section 354 A and Section 12 are bailable, but having regard to the nature of allegations made which are *prime facie* attracting Section 8 of the POCSO Act, I am not inclined to grant bail to the petitioner. However, the petitioner if so advised shall surrender before the concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law at the earliest or on the same day.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

01.04.2015

vhb

