

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3734 of 2015

ORDER :

The petitioner, who is the sole accused in Crime No.28 of 2015 of Kothaguda Police Station, Warangal District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Section 509 IPC, Section 8 of POSCO Act and Section 354-A of Criminal Law Amendment Act, 2013.

The case of the prosecution is as under:

The informant lodged a report stating that his daughter was studying 5th class in Tribal Welfare Residential School situated at Gandhi Nagar, Kothaguda. On 11.03.2015 his daughter along with her friends went to the room of House Master by name Smt. Shiva Kalyani and as the House Master was not found in the room, they were returning home. Meanwhile, the petitioner is alleged to have called the daughter of the informant and began touching all over her body saying that she was looking beautiful and misbehaved with her. Basing on these allegations, the above report came to be lodged.

Learned counsel for the petitioner mainly submits that a false report has been lodged against the petitioner at the instance of one Damoder Reddy. He further submits the provisions of Section 8 of POSCO Act are not applicable as the averments in the report are not specific.

On the other hand, learned Additional Public Prosecutor opposed the application contending that the 161 Cr.P.C. statement of the witnesses narrates the manner in which the petitioner harassed the victim girl. He further submits that touching all over the body of the victim girl as mentioned in the report includes touching every part of the body as mentioned in Section 8 of POSCO Act.

Having regard to the facts and circumstances of the case, without going into

the merits and demerits of the case, the Criminal Petition is disposed of by directing the petitioner to surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, either on the same day or at the earliest.

JUSTICE C. PRAVEEN KUMAR

29th April, 2015

Note: Furnish C.C. by 30.04.2015.

(b/o)

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