

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12347 of 2016

ORDER:

The petitioner, who is the sole accused, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in crime No.44 of 2016 of Mangapet Police Station, Warangal District, registered for the offence punishable under Sections 417, 376 and 420 of IPC and Sections 5 (1) and 6 of Protection of Children from Sexual Offence (POSCO) Act, 2012.

The investigation revealed that LW.2-victim and accused are residents of Chunchupally village. About three years back, the accused developed intimacy with the victim girl, who was a minor girl, on the pretext of loving her. It is further revealed that the accused used to visit the house of the victim in the absence of her parents and participate in sexual intercourse with the victim on a false promise of marrying her. Subsequently, when the victim became pregnant, the accused administered her abortion pills by threatening her. Further, in the month of May, 2016, when the victim insisted the accused to marry her, he bluntly rejected stating that he never intended to marry her and also threatened her, due to which the victim attempted to commit suicide by consuming insecticide poison. Immediately, she was shifted to hospital where she was treated. Thereafter, on 05.05.2016 the parents of the victim approached the caste elders, who on the same day convened a panchayat, in which the accused took twenty days time to settle the matter. Again on 25.05.2016, when the

elders asked the accused to marry the victim, the accused bluntly refused for the same. Basing on these allegations, present complaint came to be lodged.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

As seen from the record, the victim is aged about 16 years at the time of the incident. Though the learned counsel for the petitioner contends that the victim was a consenting party, but in view of the age of the victim at the time of incident, her consent is immaterial so as to constitute an offence. Learned Public Prosecutor submits that investigation is still pending and there is every likelihood of tampering with the evidence. In these circumstances, the request of the petitioner cannot be considered at this stage.

Therefore, the Criminal Petition is dismissed for the present.

JUSTICE C. PRAVEEN KUMAR

09.09.2016
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