

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16285 OF 2016

Between:

Vadlamudi Thirumala Rao ... Petitioner/Accused

V/s.

The State of Telangana
Represented by its Public Prosecutor [TG]
High Court of Judicature for the State
of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Tangutur Police Station,
Prakasam district.

Counsel for the Petitioner: Sri Kurava Naganna

Counsel for the Respondent: Public Prosecutor [TG]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16285 OF 2016

ORDER :

This Criminal Petition is filed by the petitioner/accused under section 438 of Cr.P.C. seeking to enlarge him on bail in the event of his arrest in Crime No. 125 of 2016 of Tangutur Police Station, Prakasam district, registered for the offences punishable under section 376 IPC Section 6 of the Protection of Children from Sexual Offences Act, 2012 Section 3 [1] [r] [s] [w], Section 3 [2] [v] [Va] of SCs and STs [POA] Act, 1989.

2. The case of the prosecution is that one K.Koteswaramma alleged that her daughter Kusukurthi Sujatha, aged 13 years used to lookafter the goats of the accused. The accused has been enjoying sexually with her daughter for the past six months by seducing her with deceptive words. On 10/9/2016 as usual, her daughter went to feed the goats and came back to house in the evening and was weeping alone. When she asked her daughter then she told that the

accused has been enjoying intercourse with her and that she came to know that the petitioner got HIV.

3. Learned counsel for the petitioner submits that the petitioner had never enjoyed sexually nor committed any intercourse with the victim as alleged by the defacto complainant. The present complaint is filed by the defacto complainant by foisting false case with a view to harass the petitioner.

4. On the other hand, learned Additional Public Prosecutor representing the State strongly opposed the petition. He submits that the victim girl said that for the last six months the accused committed aggravated sexual intercourse with her with a false promise that he will marry her and she came to know that the petitioner is suffering with HIV. Thereafter, the defacto complainant held a panchayat through elders with a proposal to marry the victim girl but the parents of the petitioner refused for that proposal, as the victim girl belongs to scheduled caste community.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

6. Keeping in view the accusation levelled against the petitioner, who seduced the victim girl taking advantage of her innocence by making a false promise of marriage, committed aggravated penetrative sexual assault knowing fully well that the petitioner was suffering from AIDs and spoiled her life. Investigation in this case is pending. As seen from the accusation levelled against the petitioner, I do not find any merit to grant bail in anticipation of his arrest in the present case.

8. The Criminal Petition is accordingly dismissed.

9. As a sequel, miscellaneous petitions if any pending in this Criminal Petition shall stand disposed of.

JUSTICE SURESH KUMAR KATT.

25/11/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT



Date: 25/11/2016
Circulation No.
Court Master: I s L