

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION Nos.6071 and 6136 of 2016

COMMON ORDER:

Since both these petitions are filed seeking bail in Crime No.33 of 2016 of Veenavanka Police Station, Karimnagar District, they are heard together and disposed of by this common order.

The petitioners, who are A.2 and JCL No.2 in Crime No.33 of 2016 of Veenavanka Police Station, Karimnagar District, filed these two criminal petitions under Sections 437 and 439 of Cr.P.C., seeking enlargement on bail in the above crime registered for the offences punishable under Sections 376(d), 506 IPC, Section 3(w)(1) of SCs/STs (POA) Amendment Act, 2015, Section 66(E) of I.T. Amendment Act, 2008 r/w. 34 IPC.

The case of the prosecution is that on 10.02.2016 the petitioners along with other accused took the informant to a quarry shed behind Kachapur hills on the motor cycle of A.1, gagged a chunni in her mouth, pushed her on the ground and forcibly removed her pant. Initially A.1 committed rape on her and later A.2 also committed rape on her. At that time, A.3 is alleged to have recorded the rape scene with his cell phone. Later the petitioners and other accuse fled away by threatening the informant with dire consequences to kill her if she disclose the same to anybody. Based on these allegations, the above crime

came to be registered against the petitioners herein.

A perusal of the averments in the F.I.R. show that the petitioners, who are A.2 and JCL.2 committed the offence of rape, while A.3 took the video of the offence through cell phone. The said fact clearly speaks about the manner in which the offence was committed. It is true that there is a delay of 15 days in lodging the report, but, in a case of this nature, the delay may not play crucial role, at this stage.

Having regard to the fact that the investigation is still pending and taking into consideration the nature of injuries sustained by the victim girl, I am not inclined to grant bail to the petitioners.

At this juncture, learned counsel for the petitioners submits that since A.2 is a juvenile, he is entitled for bail.

The issue as to whether A.2 is a juvenile or not, came up for consideration before the learned I Additional Judicial Magistrate of First Class (Juvenile Court), Karimnagar, in CrI.M.P.No.564 of 2016, wherein the said Court, by order dated 04.03.2016, held that A.2 is not a minor and the said Court has jurisdiction to try the case against A.2.

Having regard to the facts and circumstances of the case and keeping in view the nature of the offence committed by the petitioners, I am not inclined to grant bail to the petitioners, moreso when investigation is still pending.

Accordingly, these Criminal Petitions are dismissed.
As a sequel, miscellaneous petitions pending, if any, shall
stand closed.

JUSTICE C. PRAVEEN
KUMAR

29.04.2016.
Msr

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