

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3614 of 2016

ORDER:

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The petitioner, who is A1, 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.24 of 2016 of Pithapuram Rural Police Station, East Godavari District, registered for the offences punishable under Sections 417, 420, 376, 506 read with Section 109 of IPC and Section 5(l) read with Section 6 of POCSO Act.

The case of the prosecution is as under:

On 10.02.2016, the victim girl who is aged less than 18 years, lodged a report stating that she got acquaintance with A1 while both of them were going to a church situated at B.Prattipadu Village which developed into friendship. They fell in love and started moving closely with each other. About three years prior to lodging of the report, A1 is alleged to have enjoyed her forcibly under the guise of marrying her. On 29.01.2016, when the victim's sister and brother-in-law asked A1 to marry her, he agreed for the same and presented a cell phone and a sweater to the victim, but later A1 failed to marry her. Basing on these allegations, the present case came to be registered.

The averments in the report would show that the victim girl is about 15 years of age at the time of having sexual intercourse. Even assuming that the intercourse took place with the consent of victim, who is minor girl, the offence of sexual assault as deferred in POCSO Act is *prima facie* made out against the petitioner.

Since the investigation is still pending and as the offences alleged are grave and serious in nature, I am not inclined to grant bail to the petitioner, at this stage.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

30.03.2016
Vhb