

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

WEDNESDAY, THE SIXTH DAY OF JULY, TWO THOUSAND AND SIXTEEN

: PRESENT :

THE HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRLP .No. 9883 of 2016

Between:-

Kampelly Thirupathi @ Banni S/o. Late Hanumanthu,
Occ : Private Employee, R/o. Servant Quarters, Aditya
Tower
Apartment, Near Priyadarshini Hotel, Old Bowenapally,
Secunderabad.

.. Petitioner/Accused

AND

The State of Telangana, rep. by its Public Prosecutor,
High Court of Judicature at Hyderabad, For the State
of Telangana and the State of Andhra Pradesh.

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.....Respondents/Complainant

Petition under Sections 437 & 439 of Cr.P.C praying that in the circumstances stated in the memo of grounds filed herein, the High Court may be pleased to release the petitioner on bail pending investigation, inquiry and trial into Crime No. 298 of 2016 of Jawaharnagar Police Station, Cyberabad.

The petition coming on for hearing, upon perusing the Petition and the memo of grounds filed herein and upon hearing the arguments of Smt V. Chaitanya Latha, Advocate for the Petitioner, and of the Public Prosecutor (TG) for the Sole Respondent-State, the Court made the following

ORDER:-

This criminal petition is filed under Section 437 and 439 Cr.P.C. seeking bail to the petitioner-sole accused in Crime No. 298 of 2016 of Jawaharnagar Police Station, Cyberabad, registered under Sections 366-A, 368, 376 IPC and Section 5 read with 6 of POCSO Act 2012.

Heard the learned counsel appearing for the petitioner.

The case of the prosecution in brief is as follows:

On 02.05.2016 at about 5.00 a.m. the daughter of the complainant by name Kumari Shivani went out from her home without any information and did not return

back. Complainant searched for her daughter at relatives house and known places but in vain. Hence the complaint.

The allegation against the petitioner-accused is that he induced and eloped with the daughter of the complainant to Addagutta of Secunderabad and he married her without her consent on 05.05.2016 and kept the daughter of the complainant in a rented room and started living with her from 06.05.2016 to 10.05.2016 and thereby committed the offences punishable under Sections 366-A, 368, 376 IPC and Section 5 read with 6 of POCSO Act, as the daughter of the complainant being a minor.

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The present petition is taken up by way of house motion in view of urgency stated by the learned counsel appearing for the petitioner-accused on the ground that both parents of the petitioner-accused died one after the other within two days and the bodies are yet to be cremated and the petitioner-accused being the only son, cremation has not taken place.

A perusal of the record reveals that the petitioner-accused is aged about 22 years and he is said to have taken away the victim girl aged about 17 years. The petitioner-accused has been arrested on 11.05.2016.

In view of the above facts and circumstances of the case, I feel that it is a fit case to release the petitioner on bail subject to following condition:

The petitioner shall be released on bail on his executing a personal bond for a sum of Rs. 10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the Superintendent, Cherlapalli jail.

In view of the peculiar facts stated above, the authorities of the jail are required to accept the sureties and release the petitioner-accused on bail by way of temporary measure even though there is no order for release from the Court, which has remanded the petitioner-accused. After being released from the jail, the petitioner-accused should appear before the Court of learned XXI Metropolitan Magistrate, at Medchal, Cyberabad in person on 11.07.2016 and execute fresh bond with two sureties so as to continue him on bail pending investigation. Petitioner-accused should not however interfere with the investigation or induce any of the witness during the course of investigation.

The Criminal Petition is accordingly allowed.

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ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The XXI Metropolitan Magistrate at Medchal, Cyberabad,
Ranga Reddy District.
- 2.The Station House Officer, Jawahamagar Police Station,
Cyberabad.
- 3.The Superintendent, Central Prison, Cherlapally, Ranga Reddy
District
At Hyd.
- 4.Two CCs to Public Prosecutor(TG), High Court, Hyderabad (OUT)
- 5.One CC to Smt V. Chaitanya Latha, Advocates(OPUC)
- 6.One spare copy

TKK

HIGH COURT

MSKJ.J

DATE: 06-07-2016

BAIL ORDER

CRL.P.No. 9883 OF 2016

**RELEASING THE PETITIONER
ON BAIL.**

**DRAFTED BY TKK
DT.06-07-2016.**

HIGH COURT

MSKJ.J

DATE: 06-07-2016

BAIL ORDER

CRL.P.No. 9883 OF 2016

**RELEASING THE PETITIONER
ON BAIL.**