

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13635 OF 2016

ORDER:

The petitioner, who is A.1, preferred the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking enlargement on bail in connection with Crime No.100 of 2016 of Mummadivaram Police Station, registered for the offences punishable under Sections 417, 376, 493 and 506 IPC and Section 5(1) read with Section 6 of the POCSO Act, 2012.

2. The case of the prosecution is that the informant-victim by name Vemula Lakshmi Durga studied up to 10th class. Her date of birth is 20.03.1998. The petitioner/A.1 developed acquaintance with her and used to say that he loves her, will marry her and that he cannot live without her. Believing his words, the informant also loved the petitioner and subjected herself to the petitioner. On 17.07.2016 at 11:30 P.M., the petitioner took away the victim, tied a yellow thread to the victim at Kanaka Durga Temple at Mahipalacheruvu and took her to his house, where A.2 to A.8, who are family members and relatives of the petitioner, did not allow them into the house. On 18.07.2016 a panchayat was convened before the elders, wherein the elders resolved the dispute advising the parents to perform the marriage of the petitioner with the victim, but the petitioner did not agree for the same and went away from the panchayat. Basing on these allegations, the present crime came to be registered.

3. Learned counsel for the petitioner submits that the allegations in the report are all false; that though the petitioner married the victim, her parents took away her and got lodged the present report.

4. Learned Additional Public Prosecutor opposed the petition contending that an application filed by the prosecution for conducting the potency test of the accused is still pending.

5. A perusal of the Remand Report would show that the petitioner induced the informant with a promise to marry her and participated in sexual intercourse. Having regard to the circumstances of the case and since the investigation is still pending, I am not inclined to grant bail to the petitioner at this stage. However, the petitioner is at liberty to move before the concerned Court seeking bail after completion of all the tests, in which event, the same shall be dealt with in accordance with law, at the earliest.

6. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:26.09.2016
INL