

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2273 of 2016

ORDER:

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The petitioner, who is A2, 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.621 of 2015 of Karimnagar Rural Police Station, Karimnagar District, registered for the offences punishable under Sections 376 (2) (g) of IPC and Section 6 read with Section 5(g) of POCSO Act.

The facts collected during the course of investigation reveal that the victim, who was examined as LW2, was a minor girl on the date of incident, studying intermediate 2nd year at Sahithi Junior College, Karimnagar. A1 was also studying intermediate 2nd year at Loyolo Junior College, Rekurthi, belonging to SC (Madiga) community. A1 and A2 are close friends. About 5 months ago, A2 (JCL) and the victim got acquaintance with each other through phone, out of which, he developed lust against the victim. Accordingly, A2 along with A1 hatched a plan to enjoy her sexually by summoning her to Karimnagar. On 25.12.2015 at about 07.30 p.m., JCL summoned the victim near to a Court at Karimnagar over phone, took her to the outskirts of Rekurthi village in a motor cycle provided by A1 and on the way A1 also boarded the bike and misbehaved with the victim asking her to kiss him. When she refused, there was a quarrel among the three upon which JCL left the victim at Court chowrastha. Subsequently, on 26.12.2015, at about 07.30 p.m., JCL contacted the victim girl and asked her to come to Court chowrastha, failing which, he blackmailed her stating that he has few photographs of the victim girl. Out of fear, the girl went to the said place and both the accused, as per their pre-plan, took her to the house of grandfather of A2, situated at outskirts of Rekurthi village and kept her in the said house. Later at about 09.00 p.m., JCL on an inducement that he would marry the girl, committed rape on her, inspite of her resistance. Subsequently, the other accused also committed rape on her forcibly, stating

that he would send her photographs to her parents. On 27.12.2015, both the accused brought the victim girl to Theegalaguttapalli village, left her there and went away. Basing on these allegations, the present case came to be registered.

Though learned counsel for the petitioner tried to contend that the petitioner is innocent for an offence punishable under Section 376 and that a false case has been foisted, but the victim in her statement clearly stated the manner in which the incident took place. Even assuming that the sexual intercourse was by consent, but having regard to the age of the victim who was a minor on the date of incident, *prima facie* an offence under Section 376 is made out against the petitioner.

Having regard to the nature of allegations made and since the investigation is still pending, I am not inclined to grant bail to the petitioner, at this stage, though he is in jail from 31.12.2015.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

01.03.2016
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