

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.11742 of 2016

ORDER:

The petitioner, who is accused No.6, 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.188 of 2016 of Chirala I Town Police Station, Prakasham District, registered for the offences punishable under Sections 324, 366A, 370, 370 (A), 376 r/w.34 IPC, Sections 5 r/w.6 and 7 of POCSO Act, Sections 3, 4, 5 and 6 of Immoral Traffic Prevention Act and Section 23 of Juvenile Justice Act.

The case of the prosecution is as under:

The parents of the victim girl viz., Gajjaka Deepika @ Pooja and Raju were separated when the victim girl was aged about 7 years old. Later, the mother of the victim girl/A.2 married A.1 and the victim girl Rithika was staying with them. About one year prior to the incident, when the victim girl alone was present in the house, in the temporary absence of A.2, A.1 committed penetrative sexual assault on her. Later, A.1 and A.2 sold away the victim girl to A.3, who is a resident of Mangalagiri and running a brothel house for prostitution for Rs.5,000/-. A.3 kept the victim girl with A.4 who is a resident of Challapalli Village of Krishna District, who was also running a brothel house and later sold the victim girl to A.4 for Rs.3,000/- for doing prostitution. A.4 kept the victim girl in her house for four days and later A.4 brought the victim girl to Chirala and sold her to A.5 and A.6 for doing prostitution. Thereafter, A.5 and A.6 taken the victim girl to Lakshmipuram Village, Vetapalem Mandal and left the victim girl with A.8. When the victim girl was living in the house of A.8, he also committed sexual assault on her and later A.5 and A.6 brought the victim girl to their house at Gumasthala Colony, Jandrapet, kept her in their house as housemaid and subjected her to utmost cruelty by beating her with cudgel and torturing her. A.7, who is working as a Home Guard in Chirala I Town Police Station used to visit the house of A.5 and A.6 for quenching his sexual lust and accordingly he visited A.5 and A.6 on 05.06.2016 at about 10.30 A.M., found the victim girl

in their house, demanded them to send the victim girl to his house where he committed penetrative sexual assault on her. Later, on 05.06.2016, A.5 and A.6 took the victim girl to Kakani Darga by auto and during their return journey, their auto met with an accident. Due to the said accident, A.5 sustained injuries and got herself admitted in the hospital. At that time, the victim girl escaped from the clutches of A.5 and A.6, boarded an auto, reached Karamchedu Village. On noticing the condition of the victim girl, LW.9 produced her before the Chirala I Town Police Station, where the police handed over her to Child Development Officer, before whom the victim girl narrated the entire incident. Basing on the statement of the victim girl, the present crime came to be registered.

Heard, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

As seen from the Remand Case Diary and the material available on record the victim girl is aged about 11 years and after separation from her father she was staying with her mother. A.1, who is her step-father, is alleged to have sexually assaulted her and sold her to A.3, who was running a brothel house for Rs.5,000/-. A.3 is alleged to have kept the victim girl for two days with him and later, brought her to A.4, who kept the victim girl in her house. She then brought her to Gumasthala Colony, Jandrapeta, Chirala in the month of January, 2016 and sold her to A.5 and A.6 for prostitution at Rs.10,000/- in addition to good will of Rs.3,000/-. Thereafter, A.5 and A.6 left the victim girl with A.8, who made sexual assault on the victim girl, for one and half months and then brought her back. On 05.06.2016 they sent the victim with A.7 for prostitution. A.7 attempted penetrative sexual assault against the victim, but when the victim raised hues and cries due to pain, he left her. On 06.06.2016 A.5 and A.6 along with the victim girl while returning from DARGA to Chirala in an auto, they met with an accident. While A.5 was undergoing treatment, the victim girl escaped from the clutches of A.5 and A.6 and approached LW.9, who produced her before the police, where she narrated the entire incident.

Having regard to the allegations made against the petitioner, which in my view are grave and serious in nature, and it cannot be said, at this stage, that the petitioner is innocent of the offence alleged. Since investigation is still pending and in view of the allegations leveled against the petitioner, I am not inclined to grant bail to the petitioner at this stage.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

18.08.2016

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