

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2997 of 2016

ORDER:

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The present application is filed under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in SC No.276 of 2015 on the file of II Additional Metropolitan Sessions Judge-cum-I Additional District Judge, Visakhapatnam, which arose out of Crime No.176 of 2015 of Anakapalli Town Police Station, Visakhapatnam District. A charge sheet came to be filed against the accused for the offences punishable under Section 376(1) of IPC and Sections 4 and 8 of Protection of Children from Sexual Offences Act.

The averments in the charge sheet discloses that while the victim, who is aged about 8 years, was alone at home, the accused used to commit sexual assault on her taking advantage of the absence of LWs.1 to 3 in the house, for the last six months, by inserting penis into the mouth of LW5 and by inserting fingers into her vagina. Further, the accused threatened her with dire consequences, if the same is revealed to others. On one day, LW3 witnessed the alleged offence being committed by the accused, informed the same to LWs.1 and 2 and when asked LW5, she revealed about the acts done by the accused. Basing on these allegations, police investigated and filed charge sheet.

A perusal of the material on record would show that earlier the petitioner moved CrI.P.No.1249 of 2016 before this Court, which was dismissed on 10.02.2016, giving liberty to the petitioner to move this Court for bail after committal of the case to the Court of Sessions. Since the case is now committed, the present application came to be filed.

Learned public prosecutor opposed the application contending

that there is every likelihood of the petitioner tampering the evidence, if he is released on bail at this stage.

Having regard to the facts and circumstances of the case, the petitioner is at liberty to move the trial Court having regard to the changed circumstances, in which event the same shall be dealt with in accordance with law.

Accordingly, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

15.03.2016
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