

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9160 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.2, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.114 of 2017 on the file of Station House Officer, Athmakur Police Station, Warangal District, registered for the offences punishable under Sections 366-A, 368, 376 (2) (n), 506 and 109 IPC and Section 5 (1) read with 6 of the POSCO Act.

2. Learned counsel for the petitioner submitted that the victim girl voluntarily left the house to marry accused No.1. He further submitted even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out so far as the petitioner is concerned.

3. Learned Additional Public Prosecutor submitted that the victim girl is minor; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

4. The case of the prosecution is that on 25.05.2017 the petitioner along with accused No.1 visited the house of the victim girl and threatened her with dire consequences if she will not marry accused No.1. The petitioner along with accused No.1 had taken away the gold chain from the victim girl and sold the same for Rs.35,000/-. On 02.06.2017 the petitioner along with accused No.1 went to the house of victim girl and had taken her to two different places. Basing on the complaint lodged by father of the victim, the above case was registered.

5. The petitioner filed CrI.M.P.No.612 of 2017 on the file of Special Judge for Trial of Cases under Protection of Children from

Sexual Offences Act-cum-I Additional Sessions Judge, Warangal, and the same was dismissed on 11.09.2017 on the ground that the investigation is in progress.

6. While disposing petitions filed under Section 438 Cr.P.C., the Court has to consider whether there is any *prima facie* material against the accused or not. If the Court comes to a conclusion that there is no *prima facie* material against the accused, then this Court can grant pre-arrest bail to the accused. In the instant case, the petitioner went to the house of victim girl and threatened her with dire consequences if she will not marry accused No.1.

7. The record also reveals that the petitioner along with accused No.1 had taken away the gold chain from the victim girl. A perusal of the record reveals that the victim is a minor aged about 17 years. It is needless to say no one is entitled to take away the minor girl from the custody of the parents. The material placed before the Court *prima facie* reveals the role played by the petitioner in the commission of offence.

8. Taking into consideration the nature of offences alleged to have been committed by the petitioner and the stage of the investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

9. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

OCTOBER 04, 2017

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Date:04.10.2017

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