

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.359 OF 2017

ORDER:

This criminal petition is filed under Section 437 and 439 of Cr.P.C to enlarge the petitioner/A1 on bail, who is in judicial custody since 16.11.2016 in connection with Crime No.438 of 2016 of Ghatkesar Police Station, registered for the offences punishable under Sections 366, 417, 376, 509 read with 34, 120-B and 210 of IPC and Sections 4 and 21 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the Act') and Section 3(2)(va) of the SC & ST (POA) Act, 1989.

The allegations made against the petitioner are serious in nature. The victim girl was studying 2nd year diploma in Princeton Engineering College, Vijayapuri Colony. Initially the allegation made against the accused was that the victim girl was taken to a room on the pretext that there was a birthday party of B.Tech students, she accompanied Harish on his bike and on the next day morning, she woke up in the room. After investigation, the police recorded a confessional statement. Even according to the confessional statement of the petitioner, she was subjected to sexual harassment. The victim girl is aged 17 years, who is child as defined under Section 2(d) of the Act. Sexual assault on a girl would attract the offence under Sections 4 and 6 of the Act, *prima facie* besides attracting provisions of Section 376 of IPC and that too the victim girl belongs to Scheduled Caste and committing such an offence

against the girl belonging to Scheduled Caste would fall within Section 3(2)(va) of the Act, I find *prima facie* material against the petitioner to conclude that he involved in the commission of offence. Therefore, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

25.01.2017
kvrn

M.SATYANARAYANA MURTHY,J

