

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7164 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.77 of 2017 on the file of the Station House Officer, Piler Police Station, Chittoor District, registered for the offences punishable under Sections 366-A, 354-A, 354-D, 509, 376-VI read with 376(1) of IPC and Section 3 read with 4 of the Protection of Children from Sexual Offences Act.34 of 2012.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case by the mother of the victim girl. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. ***Per contra***, learned Additional Public Prosecutor submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. It is the case of the prosecution that the petitioner forcibly taken away Pattan Nagina-victim, who is aged about 17 years and studying 8th class, from the custody of the *de facto* complainant-mother of the victim. It is further alleged that the petitioner committed rape on the victim.

4. The petitioner filed Criminal Miscellaneous Petition No.382 of 2017 on the file of the Court of I Additional District and Sessions Judge, Chittoor, under Section 439 of Cr.P.C., and the same was dismissed on 10.7.2017.

5. A perusal of the record reveals that the victim is aged about 17 years. The petitioner was arrested on 22.6.2017 and produced before the concerned Court for judicial custody. The learned Additional Public Prosecutor submitted that the investigation is in progress.

6. Taking into consideration the nature of the offence alleged to have been committed by the petitioner as well as the stage of the investigation, this Court is of the considered view that it is not a fit case to grant anticipatory bail to the petitioner.

7. Accordingly, the criminal petition is dismissed.

August 28, 2017
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T.SUNIL CHOWDARY, J

