

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

FRIDAY, THE NINETEENTH DAY OF JANUARY,
TWO THOUSAND AND EIGHTEEN

PRESENT
THE HON'BLE SMT JUSTICE T. RAJANI

CRL.P.No. 349 of 2018

Between:

1. Konda Komuraiah, S/o K. Chandraiah
2. Smt. K. Komuramma W/o K. Komuraiah
3. Smt. Asalla Yamini W/o A. Appaiah
4. Smt. Kadari Anitha W/o K. Naresh

Petitioners/Accused Nos. 2 to 5

AND

The State of Telangana, rep. by Public Prosecutor, Telangana State, High Court of
Judicature, Hyderabad.

Respondent/Complainant

COUNSEL FOR THE PETITIONERS: SRI. MOHD. MUMTAZ BASHA

COUNSEL FOR THE RESPONDENT : THE PUBLIC PROSECUTOR (AP)

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to direct to enlarge the petitioners/accused Nos. 2 to 5 on bail in event of their arrest in Cr. No. 429 of 2017 on the file of P.S. Mahaboobabad Town, District Mahaboobabad, in the circumstances of the case and in the interest of justice;

The Court made the following Order:

This petition is filed seeking for grant of anticipatory bail to the petitioners, who are A2 to A5, in Crime No.429 of 2017 on the file of the Station House Officer, Mahaboobabad Town Police Station, Mahaboobabad District. The offences alleged are under Sections 376(2)(n), 417 and 506 IPC r/w Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act").

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the respondent.

3. The counsel for the petitioners submits that except Section 506 IPC, the other offences are not attracted to the acts alleged against the petitioners. Section 376(2)(n) IPC cannot attract the acts alleged against the petitioners, so also Sections 5(1) and 6 of the POCSO Act.

4. The allegations made in the complaint would show that these petitioners did not allow the *de facto* complainant into their house and necked her out. Hence, considering the nature of the allegations and the relationship between the *de facto* complainant and these petitioners, this court is of the opinion that this is a fit case for granting anticipatory bail.

5. Accordingly, the Criminal Petition is allowed. The petitioners/A2 to A5, are directed to surrender before the Station House Officer, Mahaboobabad Town Police Station, Mahaboobabad District, within 15 days from the date of this order. On such surrender, the petitioners/A2 to A5 shall be released on bail on their executing personal bonds for a sum of Rs.30,000/- (Rupees thirty thousand only) each with two sureties each for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioners shall abide by the conditions mentioned under Section 438(2) Cr.P.C., as under:

- i) The petitioners shall make themselves available for interrogation by a police officer as and when required.
- ii) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) The petitioners shall not leave India without the previous permission of the Court.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. The Principal Junior First Class Magistrate, Mahabubabad, Warangal
2. The Station House officer, Mahabubabad Town Police Station, Mahabubabad, Warangal District.
3. Two CCs to the Public Prosecutor (TG), High Court at Hyderabad (OUT)
4. One CC to Sri Mohd. Mumtaz Pasha, Advocate (OPUC)
5. One spare copy

KK

HIGH COURT

TRJ

DT. 19-1-2018

BAIL ORDER

CRL.P.NO. 349 OF 2018

DIRECTION



Drafted by: KK
Drafted on: 22-1-2018

HIGH COURT

TRJ

DT. 19-1-2018

BAIL ORDER

CRL.P.NO. 349 OF 2018

DIRECTION

