

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.7063 of 2018

ORDER:

In this petition filed under Section 438 Cr.P.C., the petitioner/A2 seeks for anticipatory bail in Crime No.201 of 2018 of Mahabubnagar Rural PS registered for the offences under Sections 366A, 376(2) (n) IPC and Section 5 J (ii) (L) r/w 6 of POCSO Act r/w 109 IPC.

2a) The complaint allegations are that the second daughter of the complainant is aged 16 years; she is a minor girl; she completed intermediate first year; on 04.06.2018, the complainant went to her job and returned at 5.00 PM and found her daughter not available at home; later her daughter informed through phone that she loved A1 who is a resident of Simhagiri Colony, Mahabubnagar and she went along with him and switched off the phone. During the investigation it is revealed that A1 eloped with victim girl on the pretext of marrying her and they went to Hyderabad and Tirupati and again they returned to Hyderabad. During their stay, A1 had sexual intercourse with her.

b) Petitioner/A2 is the mother of A1. The allegation against her, as per the confession of A1, is that she knows the love affair of A1 and victim girl and she encouraged them.

3) Denying the complaint allegations, bail is pleaded for mainly on the submission that petitioner is innocent and she is a teacher and her arrest will adversely effect her job.

4) Learned Additional Public Prosecutor opposed the petition stating that petitioner/A2 is well aware of the love affair of A1 and victim girl and she encouraged them to go away to Tirupati and other places. It is further submitted investigation is still pending and charge sheet is not filed.

5) CD file contains the statement of victim girl, which does not disclose any role said to be played by the petitioner/A2. No allegation is made against her. If A.2 encouraged them, certainly the victim would not have missed to mention the said crucial fact.

6) In that view and as petitioner/A2 is a teacher, this Court is inclined to grant bail.

7) In the result, this Criminal Petition is allowed and petitioner/A2 is directed to surrender before the Judicial First Class Magistrate (Prohibition and Excise), Mahabubnagar on or before 03.08.2018 and on such surrender, she shall be enlarged on bail on her executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties each for likesum to the satisfaction of the said Court. On release, the petitioner/A2 is directed to appear before the SHO, Mahabubnagar Rural PS on every Sunday between 09.00 and 11.00 AM until further orders.

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

U. DURGA PRASAD RAO, J

Date: 26.07.2018

Note: Office to issue CC by tomorrow.

(b/o)
Murthy