

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.9336 OF 2018

ORDER:

The petitioner is A2 among six accused in Crime No.57 of 2016 on the file of Yelamanchili Town Police Station, Yelamanchili, Visakhapatnam District. The crime is registered on 30.07.2016 for the offences punishable under Sections 328, 342, 366, 376(2), 323 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act').

2. It is a case transferred from the Mahila Police Station, Vijayawada where the crime is originally registered as Crime No.20 of 2016 on 23.04.2016 on jurisdiction aspect. It is in fact pursuant to the information from the Wada Police Station, Mumbai where the victim was admitted in the Kasturiba Mahila Vasatigrh on 30.11.2015 and consequently informed by the *de facto* complainant of her residence through Machavaram Police over phone and therefrom among LWs 2 to 7 LW.2 and others went to Mumbai and from there to Vijayawada and presented the police report on 23.04.2016 in registration of the crime.

3. A perusal of the report shows the *de facto* complainant victim girl was attending domestic works in Vijayawada. It is in the year 2014 A1-Bangari Adilakshmi, W/o. Ramu, lured her to perform her marriage and to arrange her a job having brought to the house of A2 & A3, who are by name Bangaru Chiranjeevi (petitioner herein) and

Bangaru Venkayamma, without even informing to her parents and guardian on 30.07.2014, and by administering some intoxicated substance on her A2 committed rape on the minor girl and later A3 performed the marriage of the minor girl to A2 on 15.08.2014 at Durgamma Temple of Yelamanchili. A3 was later enlarged on regular bail. Subsequently A2 & A3 used to beat the victim girl and as she unable to bear with the ill-treatment came to the house of her mother (LW.25) on 05.10.2014, and when the victim and her mother were prepared to lodge a complaint with Vijayawada Police, A1 & A3 forcibly took her away to Yelamanchili by train and there one Varalakshmi (cousin of A2) having assured to provide some work at Hyderabad by taking her, took her and there started ill-treating her, and in October, 2014 the victim girl escaped from the house of A2 & A3 and came to Vijayawada. Again on 31.10.2014, said Varalakshmi came to Vijayawada and took the victim girl to Hyderabad by train and kept at her house for two months and later Varalakshmi took the victim to the house of her sister Devika Durga in Mumbai to attend the domestic services and to serve her four years old polio affected son on salary basis and as she unable to do work there she escaped on 29.11.2015. It is there Wada Police found her and admitted in the Kasturiba Mahila Vasathigruh.

4. In the factual background leaving about A4 to A6 dropped from the charge in filing final report and the case committed to the Court of Sessions by the learned Magistrate and presently S.C.No.150 of 2018

(original number S.C.No.106 of 2018) is pending having taken cognizance for the offences supra. So far as the petitioner-A2 in seeking the anticipatory bail is concerned, leave about he went unsuccessful earlier though there is a mistake as pointed out in Crl.M.P.No.1679 of 2018 by order dated 08.08.2018 of the learned Metropolitan Sessions Judge-cum-Special Judge to try the offences under the Protection of Children from Sexual Offences Act, 2012 as if of the charge sheet not filed, since the charge sheet already filed and the Sessions Case number allotted, on merits the way in which the petitioner perpetrated the crime having committed rape on the victim before her marriage knowing as minor and found some ceremony of marriage with the petitioner-A2 performed by A3 from A1 lured and kept the minor girl with A2 & A3, they ill-treated and driven her and it is causing of A2 that taken her and ultimately engaged her service with her sister Devika Durga at Mumbai which shows A2 is not entitled to the concession of bail.

5. Accordingly, this Criminal Petition is dismissed and the learned Sessions Judge concerned is directed to take up the trial as expeditiously as possible preferably within a period of five (5) months from the date of receipt of a copy of this order.

Dr. B. SIVA SANKARA RAO, J

07.09.2018
MVA