

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
Criminal Petition No.9518 of 2018

ORDER :

The petitioner is A.1 of Cr.No.195 of 2018 of Kothapeta Police Station, East Godavari District, registered for the offences punishable under Sections 366-A read with 34 IPC and Section 11 read with 12 of the Prevention of Children from Sexual Offences Act, 2012 (for short, the POC SO Act') on the complaint, dt.22.06.2018 of the defacto-complainant-father of the victim.

2. The averments in the report of said Ayyappa are that his younger daughter, aged 17 years, after completion of intermediate study, at present staying at home. While so, on 17.06.2018 at about 5.00 A.M., when he woke up, he found that his younger daughter was missing. Then he searched for her in house premises and also in the houses of relatives but could not trace out. His daughter frequently used to visit to the house of his neighbour by name Nalla Chandra Rao and to which place one Chapireddy Rama Ganesh used to come, thus the said persons are suspected by him as responsible for missing of his daughter and to take action against them.

3. The averments in the bail application are that the petitioner-Ch.Rama Ganesh-A.1, among the two accused supra, is innocent and falsely implicated in the case and there is delay of 5 days in lodging complaint and the same is not explained, thus not maintainable, that the petitioner is agricultural cooli and he is ready and willing to furnish sufficient surety if he is enlarged on bail.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor in opposing the bail and perused the First Information Report, bail application averments and Part-I Case Diary.

5. A perusal of the Case Diary with reference to the First Information Report averments show that 5 witnesses are so far as examined and the investigation is still at preliminary stage and the statements of the witnesses including the victim girl examined as L.W.6 show there is love affair between the petitioner-A.1 and the victim and father of the victim was not willing for the same and trying to perform the marriage of the victim with another boy. While so, the victim girl along with the petitioner-A.1 on 17.07.2018 at midnight left to Annavarapadu of West Godavari district where at temple of Lord Venkateshwara, married and therefrom left to paternal uncle's house of the petitioner at Euru and they both had sexual life on 18.07.2018 there and since then staying there at Euru to which place as the police of Kothapeta Police station came on 14.08.2018, the petitioner fled away on seeing them and the police brought her to the police station and when examined stated the above facts. On perusal of the record, her date of birth from the SSC Certificate shows born on 20.01.2001 which clearly shows she did not attain majority. Once she is a minor, under the guise of marriage having sexual intercourse, the petitioner-accused is not entitled to concession of bail that too, at the stage pending investigation.

6. In the result, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:28.09.2018
(B/o)
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