

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9817 of 2018

ORDER:

The petitioner, who is sole accused filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.509 of 2018 on the file of Kushaiguda Police Station, Rachakonda District, registered for the offences punishable under Sections 366, 343, 376(2), (n) IPC, Section 3 r/w 4 of POCSO Act, 2012, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amendment Act No.1 of 2016).

2. The sum and substance of the accusation of the de facto complainant, no other than mother of the victim minor girl, dated 16.07.2018, was that her minor daughter quarreled with her son and when she reprimanded, she left the house with clothes and even she persuaded having followed, she wanted to return and when she was returning, her daughter was proceeding behind, however, missed in the way. Again, the de facto complainant went to the police station on 26.07.2018 stating that the victim girl returned to home stating that the accused lured her and enticed her and had sexual intercourse with her and sent her. It is by the original report registered as a girl missing, later altered to the Sections of law referred supra and also under Sections 366, 343 and 376(2)(n) IPC besides the offence under POCSO Act and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amended Act.

3. In the course of investigation, the accused was apprehended on 27.07.2018 and made a disclosure and after following formalities

submitted to the judicial custody and he is in judicial custody since then.

4. The contentions in the bail application are that he is innocent, falsely implicated, the entire story of the victim is false and not committed the offence of rape and the learned Sessions Judge did not appreciate the facts properly in dismissal of the earlier regular bail applications in CrI.MP.Nos.3345 and 3588 of 2018 on 16.08.2018 and 07.09.2018 respectively.

5. The learned Public Prosecutor opposed the bail application.

6. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State and perused the FIR, bail application averments, remand report and the Case Diary and the earlier dismissal orders referred supra.

7. Out of the prosecution 13 witnesses including the victim girl, it is crystal clear from the material on record of victim girl born on 10.06.2001, a minor, not completed 18 years and the investigation material clearly shows there is basis for the accusation of the accused committed rape by luring the minor girl with a promise to follow her having abducted and all the provisions prima facie once apply, the petitioner is not entitled to the concession of bail.

8. Accordingly, the Criminal Petition is dismissed.

9. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:24.09.2018
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