

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

**Criminal Petition No.9844 OF 2018**

**ORDER:**

The petitioner is the sole accused in Crime No.28 of 2018 on the file of Shivampet Police Station, Medak District. The crime is registered for the offences punishable under Section 376 (2)(f) IPC and Section 3(b) 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act').

2. The petitioner is in judicial custody since 31.03.2018 and went unsuccessful in seeking regular bail before the learned I Additional District & Sessions Judge, Medak at Sangareddy in CrI.M.P.No.510 of 2018 by order dated 21.08.2018.

3. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the State of Telangana in opposing the same and perused the F.I.R., the bail application averments and Part I case diary including Section 164 Cr.P.C. statements of the victim girl and the mother-*de facto* complainant and also the charge sheet filed by the police after completion of investigation.

4. Learned counsel for the petitioner submits that from the medical report there are no traces of committing the rape and it is a false implication and the petitioner is entitled to the concession of bail and he is in judicial custody since 31.03.2018.

5. Learned Additional Public Prosecutor opposed the bail in saying the statements of the witnesses i.e., the victim girl and her mother-*de facto* complainant are crystal clear about the offence of rape on the minor girl by the accused, who is no other than paternal uncle by courtesy.

6. A perusal of the record including from the police final report shows the *prima facie* accusation against the petitioner-accused and thereby, he is not entitled to the concession of bail even he is in judicial custody for more than 5½ months, but for to direct the learned Sessions Judge concerned from S.C.No.187 of 2018 of cognizance already taken from the committal proceedings in allotting Sessions Case number for the offences supra to hear before the charges and proceed with the enquiry/trial as expeditiously as possible as per Section 309 Cr.P.C.

Accordingly, this Criminal Petition is dismissed.

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**Dr. B. SIVA SANKARA RAO, J**

25.09.2018  
MVA