

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.10080 OF 2018

ORDER:

The petitioner is the sole accused in Crime No.696 of 2018 of Miyapur Police Station, Cyberabad, Hyderabad, now pending as Crime No.753 of 2018 of Jeedimetla Police Station, Cyberabad Commissionerate. The crime is registered for the offences punishable under Sections 366-A, 376(2)(n), 342 IPC and Section 5 r/w 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act').

2. 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, remand report and Part I case diary.

3. The petitioner, who was arrested on 04.08.2018 and later in judicial custody in the present crime, went unsuccessful in seeking regular bail in CrI.M.P.No.3492 of 2018 before the learned Metropolitan Sessions Judge, Cyberabad-cum-I Additional District Judge, Rangareddy by dismissal order dated 12.09.2018.

4. A perusal of the material on record shows there is *prima facie* accusation against the accused and the victim is minor. The consent is immaterial for the offence of rape.

5. Taking into consideration of these facts, even the petitioner is in judicial custody for the past 64/65 days and even aged between 20 and 21 years and that too when investigation is not completed, it will no way outweigh to consider the concession of regular bail.

Accordingly, this Criminal Petition is dismissed.

08.10.2018
MVA

Dr. B. SIVA SANKARA RAO, J

