

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13234 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of bail in Crime No.118 of 2018 of Koheer Police Station, Medak District, registered for the offences punishable under Section 376 of IPC and Section 3(2)(v) of the Scheduled Castes & the Scheduled Tribes (PoA) Amendment Act, 2015 and Section 3(a) and 4 of the POCSO Act, 2012.

2. Heard the learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner/A.1 would contend that no offence is made out against the petitioner/A.1 under the POCSO Act. Further, all the allegations in the FIR are false and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor representing the respondent-State opposed the grant of bail to the petitioner/A.1.

5. There is specific accusation against the petitioner/A.1 with regard to the sexual assault made by him on the victim, who is aged 17 years. There are also specific allegations of abusing the *de facto* complainant in the name of caste and humiliating in the presence of village elders. The allegations are grave. Punishment for the alleged offences is also stringent. Moreover, there is a bar under the Special Act to grant anticipatory bail to the petitioner/A.1 for the offence alleged under Section 3(2)(v) of the Scheduled Castes & the

Scheduled Tribes (PoA) Amendment Act, 2015. Under these circumstances, the petitioner/A.1 is not entitled for bail under Section 438 Cr.P.C.

6. In the result, the Criminal Petition is dismissed.

DR. SHAMEEM AKTHER, J

Date: 18.12.2018

ssp

