

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.13551 of 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in Crime No.869 of 2018 of Sanjeevareddy Nagar Police Station, Hyderabad District, registered for the offences punishable under Sections 323 of I.P.C. and Sections 9 & 10 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act', for brevity).

2. Having elaborately argued the matter, the learned counsel for the petitioner/accused seeks permission to withdraw this application. The petitioner/accused is alleged to have committed a heinous offence against his own daughter who is eight years old. The victim narrated the incident to her mother (wife of the petitioner/accused), who was prompt in lodging a report with the police concerned on the same day of the occurrence of the incident, i.e., on 17.11.2018. Under these circumstances, it is not appropriate to grant permission to withdraw this application enabling the petitioner/accused to file similar petitions one after the other. Viewed from any angle, it cannot be held that the petitioner/accused is an innocent person and is not responsible for the offences alleged against him. Further, while granting bail for the offences of this nature, this Court has to consider the provisions of Section 29 of the POCSO Act. Having regard to the nature of allegations levelled against the petitioner/accused and the manner in which the petitioner/accused committed the

heinous offence against his own daughter who is eight years old and studying III Standard, the petitioner/accused is not entitled for bail under Section 439 of Cr.P.C.

3. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

26th December, 2018
Bvv

