

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.115 OF 2019

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of bail in Crime No.224 of 2018 of Mavala Police Station, Adilabad District, registered for the offences punishable under Sections 338, 363 and 506 read with 34 of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act').

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

3. Learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 was falsely implicated in this case. The petitioner was remanded to judicial custody on 09.12.2018. Major part of the investigation is completed and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.1 and ultimately, prayed to dismiss the petition.

5. As per the material placed on record, the petitioner/A.1 belongs to Mahalaxmiwada, Adilabad District. The petitioner/A.1 found the activities of the victim girl and kept an evil eye on her and was waiting for an opportunity. On 09.12.2018, when the victim girl came out from the school, A.1 offered her to board his auto bearing No.TS01 UA 2075 and the victim girl boarded the said auto. When both of them were proceeding in the auto, on the way, the

petitioner/A.1 spoke to A.2 that he is bringing a girl in his auto and he (A.2) should be ready at RTC bus stand with a chaddar. The victim girl got a doubt, apprehended their deceitful plan and immediately, she jumped from the auto, due to which, she suffered bleeding injuries over jaw and mouth. L.W.3, who was passing on the same route, found the victim girl, protected her and got her admitted in RIMS, Adilabad.

6. There are specific and grave allegations with regard to the petitioner/A.1 hatching a plan to kidnap the victim girl, who is aged 15 years and studying 10th class. There are *mala fides* on the part of the petitioner/A.1. Investigation is in progress. There is stringent punishment for the offences alleged under Sections 338, 363 and 506 read with 34 of IPC and Section 12 of POCSO Act. Hence, it is not a fit case to allow the petition.

7. Hence, the Criminal Petition is dismissed.

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

DR. SHAMEEM AKTHER, J

Date: 10.01.2019
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