

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1301 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in Crime No.46 of 2019 of Kusumanchi Police Station, Khammam District, registered for the offences punishable under Section 354-A of IPC and Section 11 read with 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

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

3. Learned counsel for the petitioner/accused would submit that there is no possibility of commission of alleged incidents in the room of the Headmaster. Further, no offence took place as alleged in the report, dated 02.02.2019. The petitioner/accused is a Headmaster and he is about to retire. There are attenders and other people moving at the room of the Headmaster and a false case is foisted against him and ultimately, prayed to allow the petition.

4. The Learned Additional Public Prosecutor representing the respondent-State opposed the grant of bail to the petitioner/accused and ultimately prayed to dismiss the petition.

5. The point for determination is, whether the petitioner/accused can be granted bail under Section 438 Cr.P.C.?

6. In the First Information Report, dated 02.02.2019, there are specific allegations constituting the offences under Section 354-A of IPC and Section 11 read with 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012. There are altogether six victims in this case. All of them are under the age of 18 years. All the victims have stated that the petitioner/accused indulged in the offences alleged against him. There is no reason for the victims to depose false against the Headmaster. The gravity of offence is high. The age of the petitioner/accused and his official position cannot be the grounds to consider the petition. Furthermore, the decency and decorum of the school is at stake. So, it is not a fit case to grant bail under Section 438 of Cr.P.C.

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

DR. SHAMEEM AKTHER, J

Date: 28.03.2019
ssp