

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3146 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner, who is Accused in Crime No.74 of 2019 of Mohamadbad Police Station, Mahabubnagar District, registered for the offence punishable under Section 376 (C) IPC r/w. Section 4 of the Prevention of Child Sexual Offences (POCSO) Act, 2012 seeking anticipatory bail.

The case of the prosecution is that on 01.06.2019 at 16.00 hours, the defacto complainant Smt. Oggu Papamma lodged a written complaint in telugu, stating that she is having two sons and one daughter and she along with her children came to Hyderabad to eke out their livelihood, that on 01.05.2019 they came to Vennached Village for her elder son's marriage scheduled on 17.05.2019, that on 30.05.2019 another marriage of one of their relatives was held, that on 29.02.2019 she went to pre-marriage function of their relative and when she came back to the house, she found her daughter Kum. Shireesha, aged about 16 years, was crying, that when the complainant asked her daughter as to why she was crying, her daughter disclosed that today at about 8.30 p.m., while she was proceeding to attend the calls of nature, the petitioner/Accused came behind her, closed her mouth, took her into the bushes and committed rape on her and he has also bitten her cheeks and threatened her to kill if she

discloses the incident to anyone, that when the complainant tried to held panchayat at village level, the petitioner/Accused did not attend the same and, therefore, she requested to take necessary action against the Accused. Basing on the said complaint, the police have registered the above Crime No.74 of 2019 for the aforesaid offences.

Heard learned counsel for the petitioner/Accused and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner/Accused contends that the petitioner did not commit any offence as alleged in the complaint. It is also contended that there is an unexplained delay of three days in lodging the complaint before the police and moreover, the mother of the victim has given the report and no reason has been assigned as to why the victim has not come forward to give the report. It is also contended that there is no proof that the victim girl is a minor and that the allegations levelled against the petitioner/Accused are all false and baseless. It is further contended that most part of investigation has already been completed and that the petitioner is ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if he is released on anticipatory bail in the event of his arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

A perusal of the contents of the complaint and the record discloses that there are specific allegations levelled against the petitioner/Accused. Therefore, in view of serious allegations made against the petitioner/Accused and keeping in view the gravity of offences alleged against him, I am not inclined to grant anticipatory bail to the petitioner/Accused.

Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

24.06.2019.
Msr

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24.06.2016
Msr