

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3866 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused No.5 for grant of anticipatory bail in the event of his arrest in connection with Crime No.203 of 2019 of Kukatpally Police Station, Cyberabad, registered for the offences punishable under Sections 366-A, 376 (2) (f)(i), 342, 506 and 201 I.P.C and Section 3 read with 4 of the POCSO Act, 2012.

2. Heard learned counsel for the petitioner/Accused No.5 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. The case of the prosecution is that the victim (L.W.2) is a minor aged about 14 years; that accused No.1, who is a distant relative of the victim, used to visit their house and kept evil eye on the victim; that on 01.04.2019 at about 1:00 PM, accused No.1 came on his scooter, took the victim forcibly, by saying cock and bull stories, to Shapur Nagar, kept her in a room and assaulted her sexually; that Accused Nos.2 and 3 are brothers of accused No.1, accused No.4 is cousin of accused No.1 and accused No.5 is friend of accused No.1 and all the accused abetted accused No.1 in the commission of offence.

4. Learned counsel for the petitioner/accused No.5 would submit that the petitioner is an innocent person and falsely implicated in this case; that the petitioner is a car driver and accused N.1 is not his friend; that the petitioner does not know the

alleged incident and when accused No.1 informed the said incident, who advised him to go to police station; that except stating the same, the petitioner is no way connected with the alleged incident and hence, he prays to grant anticipatory bail to the petitioner/accused No.5.

5. Learned Additional Public Prosecutor opposed the grant of the bail to the petitioner/accused No.5.

6. A perusal of the First Information Report shows that accused No.1 forcibly took the victim to Shapur Nagar and forcibly committed rape on her and when the said incident was informed to Accused Nos.2 to 4, who advised accused No.1 to avoid any criminal case against him, he should act as if he do not know the victim and she was missing and found roaming in Erragadda. It is further alleged that the present petitioner, who is friend of accused No.1, stated that he know police at Madhapur, then all the accused along with victim went to Madhapur police station in the car of petitioner/accused No.5 and handed over the victim to police by misguiding them saying that the victim is missing and found roaming in Erragadda.

7. As seen from the First Information Report there is specific allegation against the present petitioner/accused No.5, who accompanied accused No.1 along with other accused to go to police station and misguiding the police by giving wrong statement. Therefore, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/accused No.5 surrenders before the Court concerned and moves an application for grant of regular bail, after giving notice to the Public Prosecutor, the same

shall be considered by the Court concerned in accordance with law.

8. With the above direction, the Criminal Petition is dismissed.

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

JUSTICE G SRI DEVI

JULY 17, 2019
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Date:17.07.2019

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