

**THE HONOURABLE JUSTICE G. SRI DEVI**

**CRIMINAL PETITION No.4824 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 for grant of bail in Crime No.269 of 2019 dated 20.06.2019 of Alwal Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 376 and 506 of the Indian Penal Code, 1860 and Section 5 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Sri S. Tulasi Das, learned counsel for the petitioner - accused, and the learned Assistant Public Prosecutor representing the respondent - State.

3. The allegations made in the report by *de facto* complainant, who is studying 10<sup>th</sup> Class, are that her cousin sister, Lavanya was residing with her husband and children at Venkatapuram; that her brother-in-law, who is petitioner herein, was working as Private Employee in GHMC; that whenever her brother-in-law attends night duty, her cousin sister requests her mother to come her house for her support, on which mother of *de facto* complainant used to send the *de facto* complainant; that her brother-in-law taking advantage of her wife's deep sleep exploited the *de facto* complainant sexually and warned her not to disclose the same to her parents and ultimately she

informed the same to her parents and approached the police seeking necessary action against the petitioner.

4. The learned counsel for the petitioner - accused would submit that the petitioner has not committed any offence, much less the aforesaid offences; that he is innocent and no way connected with the offences alleged against him; and that he is falsely implicated in the above crime. It is further submitted that the petitioner is having small kids and is the only earning member to feed the family; that petitioner is ready to furnish sufficient sureties and would abide by any of the conditions that would impose in the event of granting bail and that he undertakes to cooperate with investigation and hence prays to grant bail to the petitioner.

5. Learned Assistant Public Prosecutor while vehemently opposing anticipatory bail, contended that statement of the victim has been recorded under Section 164 of Cr.P.C., and that there are specific allegations against the petitioner and, therefore, the petitioner is not entitled for bail.

6. As seen from the contents of report lodged by the *de facto* complainant with the police and the statement of the victim recorded under Section 164 of Cr.P.C., it appears that there are specific allegations against the petitioner for the commission of offence and the investigation is in progress to unearth the facts and hence it is not desirable to grant bail to the petitioner at this stage.

7. Looking into the nature of offence, keeping in view the statement of the victim recorded under Section 164 of Cr.P.C., and the involvement of petitioner in the alleged commission of offence, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in the petition shall stand closed.

**August 16, 2019**  
Mgr

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**JUSTICE G SRI DEVI**

