

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRD DAY OF SEPTEMBER TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 5286 OF 2019

Between:

1. Pallapu Hanumantha Rao @ Hanumanthu, S/o. Laxmaiah.
2. Gangadharabatlal Devi, W/o. Santosh.

Petitioners/Accused**AND**

The State of Telangana, rep. by Public Prosecutor, High Court for the State of
Telangana at Hyderabad.

Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to release the petitioners on bail pending investigation, enquiry and trial in Crime No.309/2019 of Paloncha town Police Station, Bhadradi Kothagudem District.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri C SHARAN REDDY, Advocate for the Petitioners, Addl. PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 and A.4, for grant of bail in Crime No.309 of 2019 of Paloncha Town Police Station, Bhadradi Kothagudem District, registered for the offences punishable under Section 366A, 376 of IPC, Sections 6 & 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard the learned counsel for the petitioners/A.1 and A.4, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1 and A.4 would submit that both the petitioners/A.1 and A.4 are innocent persons and falsely implicated in this case. Further, there are no specific allegations against the petitioner/A.4, except that she participated in the marriage between the petitioner/A.1 and the victim girl. The petitioner/A.4 is a woman and she has 30 weeks pregnancy. She is also having an infant baby, who is living with her in jail and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.1 and A.4 and contended that there are specific allegations against the petitioner/A.4 that she participated in the marriage between the petitioner/A.1 and the victim girl.

5. As seen from the entire material on record, there are specific allegations against the petitioner/A.1 constituting offences punishable under Section 366A, 376 of IPC, Sections 6 & 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The specific allegation against the petitioner/A.4 is that she participated in the marriage between the petitioner/A.1 and the victim girl, which was celebrated on 20.06.2019 at

Sammakka Sarakka Temple at KSM Petrol Bunk. It is also a fact that the petitioner/A.4 has 30 weeks pregnancy and she is having a small baby, who is living with her in the jail.

6. Having regard to the nature of allegations levelled against the petitioner/A.4 and the material collected so far against her, this Court is inclined to grant bail to the petitioner/A.4 under Section 439 of Cr.P.C. As far as the petitioner/A.1 is concerned, there are specific and grave allegations against him as indicated above and the punishment prescribed for the alleged offences is stringent. Hence, it is not a fit case to consider the bail application of the petitioner/A.1, at this stage.

7. Accordingly, the Criminal Petition, insofar it relates to the petitioner/A.1, is dismissed. The petitioner/A.4 is ordered to be released on bail on her executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to the satisfaction of the learned II Additional Judicial Magistrate of First Class, Kothagudem.

8. The Criminal Petition is, accordingly, allowed in part.

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

//TRUE COPY//

SD/- N. PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Spl. Sessions Judge for Trial of Cases Under Protection of Children From Sexual Offences Act, 2012-cum-I Addl. Sessions Judge at Khammam.
2. The II Addl. Judicial First Class Magistrate, Kothagudem.
3. The Station House Officer, Paloncha Town Police Station, Bhadradi Kothagudem District.
4. Two CCs Addl. Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to SRI C SHARAN REDDY, Advocate [OPUC]
6. One spare copy

HIGH COURT

DR.SA,J

DATED:03/09/2019

ORDER

CRLP.No.5286 of 2019

BAIL

