

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5880 of 2019

ORDER :

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioners, who are A.2 and A.3, for grant of anticipatory bail in the event of their arrest in Crime No.54 of 2019 of Gudihathnoor Police Station, Adilabad District, registered for the offences punishable under Section 417, 420 and 376 of IPC and Section 6 of POCSO Act, 2012.

The case of the prosecution is that the petitioners, who are parents of A.1, though initially accepted to perform the marriage of the complainant with their son/A.1, who had sexual intercourse with the complainant even before the marriage, while she was minor, after attaining majority, they refused to perform the marriage.

Heard learned counsel for the petitioners/A.2 and A.3 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioners contends that the petitioners are innocent persons and they were falsely implicated in the above crime. It is contended that A.1 is working in Indian Army, A.2 is a house wife and A.3 is an agriculturist by profession and the petitioners are unaware of

physical relationship of A.1 with the complainant and they came to know about the same only when the police visited their house. It is also contended that the petitioners are ready to abide by any conditions imposed by this Court, including assisting the investigating agency for their release on anticipatory bail in the event of their arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition and contended that A.1, who is the son of the petitioners, is absconding since the date of complaint.

A perusal of the record reveals that knowing fully well that the complainant is a minor, A.1 loved her and had physical relationship with her on the pretext of marrying her and even the petitioners, who are parents of A.1, also accepted for the marriage while the complainant was minor, and after the complainant attaining majority, the petitioners along with A.1 refused to marry her. Thus, in view of the specific allegations levelled against the petitioners, I am not inclined to grant anticipatory bail to the petitioners/A.2 and A.3. However, if the petitioners/A.2 and A.3 surrender before the Court below concerned within three weeks from the date of this order and move an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application may be considered in accordance with law.

With the above observations, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

25.09.2019.
Msr



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Msr