

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6002 of 2019

ORDER:

The petitioner-accused filed the present petition under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in Crime No.269 of 2019 on the file of Alwal Police Station, Cyberabad District, registered for the offences under Sections 376 and 506 IPC and under Section 5 read with Section 6 of POCSO Act, 2012.

2. It is alleged in the complaint that the petitioner/accused, who is brother-in-law of de-facto complainant, was staying in the watchman room of the apartment at Venkatapuram along with his wife-Lavanya and children and that the de-facto complainant used to sleep with Lavanya whenever the petitioner was on night duty and the petitioner used to bring cool drinks and noodles to her, and during that time, the petitioner had intercourse with the de-facto complainant forcibly after her sister Lavanya goes to sleep and he also threatened to kill her if she informs the same to her parents. On 19.06.2019 at about 0800 hours, the de-facto complainant disclosed the matter to her parents.

3. Learned counsel for the petitioner/accused submits that the petitioner has not committed any crime against the de-facto complainant as alleged and that the complaint was reduced to writing as per the directions of her parents and that he works during night and comes home only the morning and therefore, the question

of alleged atrocity against the victim does not arise. He further submits that earlier bail petition filed by petitioner was dismissed vide order dated 16.08.2019 in CrI.P.No.4824 of 2019 on the ground that there are specific allegations against the petitioner as per the report and the statement of victim under Section 164 Cr.P.C., and the second bail petition was also dismissed on 09.09.2019 in CrI.P.No.5364 of 2019 on the ground that there are no fresh grounds to grant bail. He also submits that the petitioner has to look after the welfare of two small kids and he is the only earning member of the family and that he is in judicial custody since 100 days and thus, he prays to enlarge the petitioner on bail.

4. As seen from the earlier bail petitions filed by petitioner, both the petitions were dismissed on 16.08.2019 and 09.09.2019 on merits stating that no new grounds have been urged by the petitioner. In the present application, the petitioner stated that he has to look after the welfare of his children, except that there are no grounds urged by him for grant of bail. Since there are no changed circumstances from the date of dismissal of the earlier bail petition, I find that this is not a fit case to grant bail to the petitioner/accused and his prayer for grant of bail is refused.

5. Hence, the Criminal Petition is dismissed.

6. As a sequel, miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

G. SRI DEVI, J

30th September, 2019
sj