

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6106 of 2019

ORDER:

This Criminal Petition under Section 437 and 439 of Cr.P.C. is filed by the petitioner/A.2, seeking to enlarge him on bail in Crime No.50 of 2019 of Jagadevpur Police Station, registered for the offences punishable under Section 376-D, 366-A and 386 IPC and Section 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act'), and under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act').

The case of the prosecution is that one month prior to the date (16.05.2019) of complaint, one Venkat (A.1) called the victim girl over her cell phone No.8790910454 from a cell phone No.9347381408 and was acquainted with her. Later said Venkat, making her to believe him under the pretext of love and marriage, one night came to Rayavaram and called her on phone to come out and she came out from home and met him. Then he took her to the place of grave of Kuncherukala Caste at Gajwel on his motor bike where his friends Anji and one another joined him and all exploited her sexually not caring her words that the same is wrong. Thereafter on 15.05.2019 night at about 23.00hours again they came to Rayavaram village and called her to come out but she bluntly refused. On that they threatened her that they would blame her in the village with bad comments. On that out of fear, she went along with them. Then they took

her to Tamarind tree near Gopalpur 'T' road in the outskirts of Thimmapur village and enjoyed sexually. On same day, night at about 01.00hour they returned to Rayavarm village to drop her and by that time, they were seen by her paternal uncles viz; Raju, Kumar, Venkat and Ganesh and when they tried to catch the accused persons, they escaped. Again they took her to grave of Kuncherukala caste on their motor bikes and again enjoyed her sexually and snatched her ear studs and dropped her at Pragnapur bus stop early in the morning at 4.00 hours and left. Thereafter she came to Rayavarma village by bus at about 7.00 hours and informed the same to her paternal uncles.

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

Learned counsel for the petitioner/A.2 contends that the petitioner did not commit any offence as alleged against him. The petitioner is in judicial custody since 19.05.2019 i.e. for the last 120 days. The police even filed charge sheet after completion of investigation. The allegations in the remand report are common in nature. Since the A.1 not accepted to marry the victim girl, out of grudge, she filed this false complaint against him. There is no specific evidence against the petitioner as per the remand report. The petitioner is innocent and no way connected with this case. The petitioner is suffering from ill-health and mental imbalance and needs proper medical treatment. It is further contended that the petitioner is ready to

abide by any of the conditions imposed by this Court and would cooperate with the investigation, if he is enlarged on bail in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

As seen from the remand report, there are specific allegations levelled against the petitioner/A.2 that he along with A.1 and one another exploited the victim girl sexually and even took away her ear studs by threatening her. The autosomal STR analysis indicates that the seminal stains on source of item No.1-kurta (SER/859/19) is matching with the DNA profile of Shivarathri Anjaneyulu @ Anji-the petitioner herein (source of item No.2 of DNA/213/19) and conclusively proves that they are of same biological origin. Thus, there are specific and serious allegations made against the petitioner/A.2 that he along with the A.1 and another committed rape on the victim girl.

Looking into the nature of the allegations and in view of the gravity of offences alleged against the petitioner, I am not inclined to grant bail to the petitioner/A.2.

Accordingly, the Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

01.10.2019.
Vvr

HON'BLE JUSTICE G. SRI DEVI



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Dt.01.10.2019

vvr

24.06.2019
Msr

