

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6471 of 2019

ORDER :

Petitioner, who is the accused in Cr.No.130 of 2018 on the file of the S.H.O. Mohamadbad Police Station, Mahaboobnagar District, which was originally registered for the offence punishable under Section 363 IPC and later altered to Sections 376 (2) (n), 366 IPC and 5 (1) r/w 6 of POCSO Act, 2012, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent State.

3. Learned counsel for the petitioner submits that the petitioner has not committed any sexual assault on the victim girl, who is a minor. Since the victim girl voluntarily eloped with the petitioner, question of taking her from the complainant's lawful guardianship does not arise. He further submits that no specific overt-act is attributed to the petitioner. He further submits that the victim has become major and she herself stated that she has been writing letters to the police for protection from the complainant. He further submits that the petitioner is innocent of the offences alleged and none of the ingredients attract the offences alleged against the petitioner. He further submits that the petitioner is a permanent resident

of Vennached village of Ranga Reddy District and the petitioner is ready to co-operate with the investigation and abide by the conditions imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. On the other hand, learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

5. As seen from the contents of the report submitted by S.I. of Police of Mohammadabad Police Station, there are specific allegations against the petitioner that the petitioner is maintaining close relationship with the victim girl in the garb of love and developed physical relationship with the victim girl. On earlier occasion also, the petitioner enticed away the victim girl, who is a minor, for which a case in Cr.No.49 of 2018 under Section 366-A IPC r/w 12 of POCSO Act, 2012 was registered against the petitioner and he was sent to judicial custody. Again, the petitioner had eloped the victim girl and continued physical relationship with her in the garb of marrying her and took her to different places and also took her to Hyderabad and took a room on rent and stayed there and continued physical relationship with her. During their stay at Hyderabad, when he came to know that another case was registered against the petitioner, he himself left the victim

in State Protection Home, Mahabubnagar and fled away from there.

6. Thus, there are specific allegations against the petitioner that he was in the habit of enticing the victim and in the garb of marrying her, he has developed physical relationship with her. When he came to know about the case, he left her in the Protection Home.

7. Taking into consideration the nature of allegations leveled against the petitioner and in view of the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

JUSTICE G. SRI DEVI

DATED: 23.10.2019.

Hsd

