

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7412 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/accused, seeking anticipatory bail in Crime No.321 of 2019 on the file of the S.H.O., Siddipet I Town Police Station, Siddipet District, registered for the offences punishable under Sections 354D IPC and 8 of POCSO Act, 2012.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution is that on 28.09.2019 at about 7.00 hours, while the de facto complainant was playing Bathukamma on bund of Komaticheruvu, the petitioner came there and caught hold of her waist. When she raised alarms, he escaped from there. It is further alleged that the petitioner previously on two times, misbehaved with her and when she informed the same to her mother, they apprehended and warned him. In spite of the same, he did not change his attitude. Therefore, she lodged a complaint, basing on which, this crime was registered.

4. Learned counsel for the petitioner submits that the petitioner is arrayed as sole accused and he has not committed any offence as alleged by the prosecution as well

as by the de facto complainant. He further submits that the petitioner and the complainant fell in love with each other and at the instance of the father of the complainant and pressure made by her father, she got filed the complaint before the police with all false allegations. He further submits that the petitioner has touched the waist of the complainant while she was playing Bathukamma is a ground invented by the parents of the complainant for the purpose of filing the complaint and the allegations made against the petitioner are totally false and baseless. He further submits that the petitioner is a law abiding citizen and ready to abide by the conditions imposed by this Court. He further submits that the petitioner is willing to furnish sufficient sureties to the satisfaction of the Court and hence, he prays to grant anticipatory bail to the petitioner.

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

6. As seen from the contents of F.I.R., there are specific allegations against the petitioner that on 28.09.2019 while the complainant was playing Bathukamma on the bund of Komaticheruvu, the present petitioner caught hold of her waist. When she raised alarm, he escaped from there. It is also alleged that previously on

two times also, he misbehaved with her and when she informed the same to her parents, they apprehended and warned him. But, still the attitude of the petitioner is not changed.

7. Thus, looking into the nature of allegations made against the petitioner and also keeping in view 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. However, if the petitioner-accused surrenders before the concerned Court within 15 days from today and files bail application after giving due notice to the Public Prosecutor, the same may be considered in accordance with law. Miscellaneous petitions, if any pending, shall stand closed.

DATED: 26.11.2019.
Hsd

JUSTICE G. SRI DEVI

