

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8665 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/A3, seeking to grant anticipatory bail in Cr.No.378 of 2019 on the file of Godavarikhani I Town Police Station, Ramagundam District, registered for the offences under Sections 376(2)(f)(i)(n) IPC and under Section 3(1)(s) of SCs & STS (POA) Act.

2. Heard learned counsel for the petitioner/A3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that while the victim, aged 11 years, was studying as 6th Class in Aadharana Nissahaya Children Home, Lenin Nagar, Godavarikhani, A1 had forcibly committed rape on her in three times, and when the victim informed the same to A2, who is the wife of A1, and A3, who is Home In-charge, they beat her with hands and legs, abused her in the name of caste, shifted her to another school and threatened her with dire consequences to kill her.

4. Learned counsel for the petitioner/A3 submits that the name of the petitioner has been falsely implicated in the present case and she has nothing to do with the alleged offences and that though the alleged offence occurred on 15.06.2018, the complaint was filed on 29.07.2018 with an afterthought in order to harass the petitioner for

wrongful gain. He further submits there are no allegations against the petitioner as per the FIR and even as per the statements recorded under Section 164 Cr.P.C. by the police and that the entire investigation is completed, except filing of the charge sheet. He further submits that the petitioner was running children home and giving support to about 30 students and that she is suffering with heart ailments. He further submits that the petitioner is ready to furnish sufficient sureties as directed by this Court and she shall abide by any condition imposed by this Court.

5. Learned Additional Public Prosecutor vehemently opposed the relief sought in the petition.

6. As seen from the contents of the FIR, there are specific allegations against the petitioner/A3 that though the victim informed her and A2, who is the wife of A1 regarding the atrocity committed on her by A1, they assaulted her with hands and legs and abused her in the name of caste, and on the same day, they dropped the victim in Heaven of Hope School and Hostel, Bokkalagutta and threatened her with dire consequences to kill her if she discloses the incident to anybody. Thus, in view of the nature of allegations leveled against the petitioner, I am not inclined to grant anticipatory bail to her and her prayer for anticipatory bail is refused. However, if the petitioner/A3 surrenders before the Court below within 15 days from today and moves an application for bail, the Court below shall consider the same in accordance with law, after giving due notice to the Public Prosecutor.

7. With the above direction, the Criminal Petition is dismissed.
8. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

G. SRI DEVI, J

7th January, 2020.

sj

