

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER TWO THOUSAND AND
TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 7076 OF 2021

Between:

Kurakula Gandaiah, S/o. Late Kurakula Maisaiah

...Petitioner/Accused

AND

The State Rep by its Public Prosecutor, High Court for the State of Telangana at
Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to direct the S.H.O, P.S, Golkonda or any other arresting officer to release the Petitioner on bail in the event of his arrest in Crime No.201 of 2021, pending investigation and trial, in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of M/s E. UMA MAHESWARA RAO Advocate for the Petitioner and of Assistant PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7076 of 2021

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to grant anticipatory bail in the event of his arrest in connection with Crime No.201 of 2021 on the file of Golkonda Police Station, Hyderabad, registered for the offences under Sections 354, 506, 323 IPC and under Section 7 read with Sections 8 and 12 of POCSO Act, 2012.

2. Heard learned counsel appearing for the petitioner/accused, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. It is alleged in the complaint that the petitioner/accused, who is father-in-law of the de-facto complainant, has misbehaved with the daughter of de-facto complainant, aged 16 years, when she went to her in-laws house in summer holidays in March, 2019, and when they asked, he abused her in filthy language, manhandled and pushed her out of the house.

4. Learned counsel for the petitioner/accused would submit that the petitioner is innocent of the alleged offences and he has been falsely implicated in the crime. He would further submit that though the alleged incident took place in March, 2019, the complaint was made on 06.08.2021 with a delay of more than two years. He would further submit that the de-facto complainant has previously filed false complaints against her husband and in-laws. He would also submit

that the petitioner is not having any criminal antecedents prior to the alleged occurrence and he is a law abiding citizen and ready to abide by any condition that may be imposed in the event of his enlargement on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioner.

6. As seen from the contents of the FIR, it seems that the alleged incident said to have been occurred in March, 2019 and the complaint was lodged on 06.08.2021 with inordinate delay of more than two years and that the petitioner, aged about 79 years, is father-in-law of de-facto complainant. Thus, looking into the nature of allegations leveled against the petitioner and other facts and circumstances, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/accused.

7. Accordingly, the Criminal Petition is allowed and the petitioner/accused is granted anticipatory bail subject to the following terms and conditions:

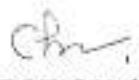
- (i) The petitioner/accused is directed to surrender before the Station House Officer, Golkonda Police Station, Hyderabad, within a period of 15 days from today, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond to the tune of Rs.10,000/- (Rupees ten thousand only) with two sureties to the like amount each to his satisfaction.
- (ii) On such release, the petitioner/accused shall appear before the Investigating Officer as and when required for the purpose of investigation.

- (iii) The petitioner/accused shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The I Additional Metropolitan Sessions Judge at Hyderabad.
2. The XII Additional Chief Metropolitan Magistrate at Hyderabad.
3. The Special Court for Speedy Trial of Cases Under POCSO Act 2012 Kakinada.
4. The Station House Officer, Police Station, Golkonda Hyderabad.
5. One CC to M/s E. UMA MAHESWARA RAO, Advocate [OPUC].
6. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
7. One spare copy
ZEE

HIGH COURT

GSDJ

DATED:27/10/2021

ORDER

CRLP.No.7076 of 2021



BAIL