

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION NO: 8049 OF 2021

Between:

Mangali Siva Kumar, S/o. Late Mangali Ramulu

Petitioner/Accused

AND

The State of Telangana, through Public Prosecutor, High Court, Hyderabad.

Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to enlarge the Petitioner on bail in connection with Crime No. 137 of 2021 on the file of PS Mohammadabad;

The petition coming on for hearing, upon perusing the Petition and the grounds filed herein, and upon hearing the arguments of Sri P.Shiva Reddy, Advocate for the Petitioner, and of the Asst. Public Prosecutor, for the Respondent, the Court made the following.

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8049 of 2021

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to grant bail to him in connection with Cr.No.137 of 2021 on the file of Mohammedabad Police Station, Mahabubnagar District, registered for the offences punishable under Sections 366, 376(3) IPC and under Section 3 read with Section 4 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. The prosecution case is that the petitioner lured the victim minor girl with a promise to marry her and had sexual intercourse with her and thereafter, he took the victim girl to Lord Venkateshwara Swamy Temple and married her without consent of her parents.

4. Learned counsel for the petitioner submits that the petitioner and the victim girl fell in love with each other and she has voluntarily agreed for the marriage and their marriage was also performed on 18.08.2021 at Venkateswara Swamy Temple near Inapur Village and that there is no forcible abduction on the part of petitioner. He further submits that the petitioner is in judicial custody since 31.08.2021 and most part of the investigation is completed except filing of the charge sheet. He also submits that the petitioner has no 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 by this Court in the event of his enlargement on bail.

5. Learned Assistant Public Prosecutor vehemently opposed the bail application of petitioner/accused.

6. A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C., it seems that she has voluntarily gone along with the petitioner and got married to him on 18.08.2021. Moreover, the petitioner is in judicial custody since 31.08.2021 and the prosecution might have examined all the material witnesses. Thus, looking into the nature of allegations leveled against the petitioner and as the petitioner has no criminal antecedents prior to the alleged offence, without adverting to the merits of the case, I am inclined to grant bail to the petitioner/accused.

7. The Criminal Petition is allowed and the petitioner/accused is directed to be released on bail, subject to the following terms and conditions:

(i) The petitioner/accused shall be released on bail on his executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class at Parigi, Vikarabad District.

(ii) On such release, the petitioner/accusedA1 shall appear before the Investigating Officer on every Saturday between 10.00 AM and 5.00 PM., till completion of investigation and filing of the charge sheet.

(iii) the petitioner/accused shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

(iv) the petitioner/accused shall not indulge in any similar type of activities, in future; If he is indulged in similar type of activities in future, liberty granted to him shall stand cancelled automatically.

(v) the petitioner/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the investigating authority.

(vi) the petitioner/accused shall not misuse the liberty granted to him.

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

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

Ch

SECTION OFFICER

To,

1. The Fast Track Special Sessions Judge for Trial and Disposal of Cases under POCSO Act, Ranga Reddy District, L.B. Nagar.
2. The Judicial Magistrate of First Class, Parigi, Vikarabad, Ranga Reddy District.
3. The Station House Officer, Mohammedabad Police Station, Mahabubnagar District.
4. The Station House Officer, Parigi Sub Jail, Vikarabad District.
5. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
6. one CC to Sri P.Shiva Reddy, Advocate (OPUC)
7. one Spare Copy

HIGH COURT

GSD,J

DATE: 11-11-2021

ORDER

CRL.P. NO. 8049 OF 2021

BAIL

