

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.8751 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioners/A.2 to A.4 in the event of their arrest in connection with Crime No.687 of 2021 of Kushaiguda Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 376(3), 417 and 420 of the Indian Penal Code, Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') and Sections 9 and 10 of the Child Marriage Prohibition Act.

2. The case of the prosecution is that that victim is a minor girl. A.4 approached A.1's family and offered to give an amount of Rs.2 lakhs to A.2, who is the mother of victim. A.2 performed the marriage of victim with A.1 on 06.06.2021 at Kushaiguda and on the same day A.1 had sexual intercourse with the victim at A.2's home, even she refused to meet with him and A.1 continued the conjugal life with the victim at his home at Siddipet. As the victim is not willing to stay at her in-laws house and A.1 used to force her to stay in the home, she left the house on 19.09.2021 and came to Hyderabad in a bus, where she was found by LW.2, who is given work to the victim to lead life. Later LW.2 knows that the victim is minor girl and got married and A.1 had sexual intercourse forcibly with the victim, she informed the same to the complainant. The complainant lodged the present complaint against the

petitioners and A.2. Basing on the said complaint, a case in Crime No.687 of 2021 has been registered.

3. Heard Mr.Vaddi Srinivasa Rao, learned counsel for the petitioners, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submits initially the victim girl was taken to the State Home and now she is staying with petitioner No.1/A.2, who is the mother of the victim girl. Petitioner Nos.2 and 3/A.3 and A.4 are the relatives. There are no specific overt acts against the petitioners. Learned counsel submits that the petitioners are illiterates. Petitioner No.1 is doing old cloth business on the road side and eking her livelihood. He further submits that petitioner No.1 performed the victim's marriage lawfully with A.1 after completion of the minority. Petitioner No.1 is now taking care of the victim and petitioner Nos.2 and 3 are nothing to do with the alleged incidents. Therefore, the petitioner's case may be considered for grant of pre-arrest bail.

5. Learned Assistant Public Prosecutor submits that investigation is still pending. There are specific overt acts against the petitioners. Therefore, they are not entitled for pre-arrest bail.

6. Taking into consideration the fact that the victim is staying with petitioner No.1/A.2 and there are no specific overt acts against other petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Petition is allowed. The petitioners shall be released on bail in the event of their arrest in connection with Crime No.687 of

2021 of Kushaiguda Police Station, Rachakonda Commissionerate, on condition of executing self bonds for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the Station House Officer, Kushaiguda Police Station, Rachakonda Commissionerate. It is made clear that the petitioners shall surrender before the Station House Officer concerned within one week from the date of receipt of a copy of this order. No further extension of time will be granted.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :02.12.2021

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