

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8819 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in Crime No. 161 of 2021 on the file of Kulakacherla Police Station registered for the offences punishable under Sections 366(A), 343, 376 IPC., Section 5(L) read with Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006, seeking bail.

2. The case of prosecution is that de facto – complainant, who is mother of victim girl lodged a complaint alleging that on 11.09.2021, she along with her two children slept in her house and by the early hours of next day, she found her daughter, who is victim, missing. It is alleged that she suspects petitioner, who used to visit her house now and then and talk with her daughter.

3. Learned counsel for petitioner Sri Ch. Ganesh submits that petitioner and victim were in love with each other and they know each other from childhood. It is stated that petitioner requested parents of the victim for marrying her, but they refused for the same. It is further stated that on 12.09.2021, victim and petitioner went to Pambanda Ramalingeshwar Swamy Temple and got married. Learned counsel submits that petitioner never had any illicit relationship with victim nor offered any money as alleged by the de facto complainant. He submits that petitioner has been arrested and remanded to judicial custody on 16.09.2021 and since then, he has been languishing in jail, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that victim is a minor girl and petitioner had sexual relationship with her. He further submits that so far, nine witnesses were examined and statement of victim under Section 164 Cr.P.C. is yet to be recorded, at this stage, petitioner is not entitled for grant of bail.

5. Taking into consideration the facts and circumstances of the case and as petitioner is languishing in jail from the last 81 days, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused shall be enlarged on bail in connection with Crime No. 161 of 2021, P.S. Kulakacherla on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of Judicial Magistrate of I Class at Pargi. Petitioner shall cooperate with the Investigation Officer.

07th December 2021

LALITHA KANNEGANTI, J

ksld