

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8644 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. 406 of 2021 of Palvoncha Town Police Station, registered for the offences punishable under Sections 376, 324 and 506 IPC. and Section 6 of POCSO Act, seeking bail.

2. The case of prosecution is that parents of victims died in their childhood and they studied under the guardianship of petitioner – accused, who is their aunt's husband. It is alleged that after death of their parents, land to an extent of Acs.3.5 guntas was registered in the name of petitioner. In 2013, whenever victims used to visit petitioner's house at Aswapuram, during nights, he used to misbehave with them and threaten them with dire consequences not to reveal the matter to their aunt. Again in December 2020, when victims went to petitioner's house at Bheemaram, petitioner pushed 1st victim on the bed and committed rape on her and threatened her. While so, after completion of her graduation, when 1st victim intended to go to Malaysia for higher studies, she asked Rs.50 lacs and that petitioner assuming that if the said amount is given, 1st victim will go out of his control, on 19.10.2021, he went to hostel at Ramavaram and forcibly obtained signatures on white and empty bond paper by threatening the victims. On 20.10.2021, petitioner called victims and while discussing the matter, when 2nd victim

laughed, petitioner got annoyed, pushed her down and kicked with legs and caused bleeding injuries.

3. Learned counsel for petitioner Sri M. Sudheer Kumar submits that petitioner and victims are related and even as per the remand report, victims have narrated the incidents happened in 2013 in 2021. He submits that victims with the help of their friend, who happens to be a constable, filed the present case against petitioner. He further submits that petitioner is a retired employee aged about 63 years and he was arrested and remanded to judicial custody on 30.10.2021 and for the last one month, he has been languishing in jail.

4. On the other hand, learned Assistant Public Prosecutor submits that statements of victims under Section 164 Cr.P.C. are recorded and medical evidence is yet to be collected. He submits that in view of the allegations leveled against petitioner under POCSO Act and as investigation is pending, petitioner is not entitled for bail.

5. Taking into consideration the fact that petitioner was arrested and remanded on 30.10.2021 and for the last 30 days, he has been in jail, as already statements under Section 164 Cr.P.C. were recorded, this Court deems it a fit case to grant bail to petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused shall be enlarged on bail in connection with Crime No.406 of 2021 on the file of Palvoncha Town Police Station, 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 II Additional Judicial First Class Magistrate at
Kothagudem.

30th November 2021

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LALITHA KANNEGANTI, J