

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8893 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 in Crime No. 687 of 2021 on the file of Kushaiguda Police Station, registered for the offences punishable under Sections 376(3), 417, 420 IPC. and Sections 5 and 6 of POCSO Act, 2012 and Sections 9 and 10 of Child Marriage Prohibition Act, seeking bail.

2. According to prosecution, on 21.09.2021, at 19.30 hours, respondent – police received a Transferred Zero FIR from Tirmalgherry Police Station wherein it is stated that on 20.09.2021, at about 17.30 hours, the complainant received a call from one Divya (9004466217) regarding one girl aged about 14 years, R/o Behind Hanuman Temple, Kushaiguda that she got married with a person by name Mallesh, aged about 30 years of Siddipet and the marriage was consummated and subsequently, she was taken to her in-laws' house. But due to some reasons, she was not interested to stay there. Further, her uncle by name Sri Ravi forced her to stay at Siddipet only and as the said girl is not interested to do so, she left from her in-laws' house without intimating anyone. On 20.09.2021, at about 18.00 hours, the complainant led the victim from Divya's house and handed over her to Tirumalgherry Police Station.

3. Learned counsel for petitioner Sri V. Srinivas Rao submits that petitioner has been arrayed as Accused No.1. He

submits that Accused Nos. 2 to 4 filed Criminal Petitioner No. 8751 of 2021 and by order dated 02.12.2021, this Court had already granted bail to them. He submits that age of the victim girl is 19 years and her mother performed the marriage. It is stated that petitioner is unconnected with these offences and he has been implicated in this case. He submits that petitioner was arrested on 23.09.2021 and for the last 75 days, he has been languishing in jail, hence, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor submits that the girl was in State Home and learned counsel for petitioner submits that she is residing with her mother. It is submitted by learned Assistant Public Prosecutor that if petitioner is enlarged on bail, he may threaten the victim. He further submits that so far, six witnesses were examined and Section 164 Cr.P.C. statement of victim is yet to be recorded, hence, petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that petitioner is in jail from the last 75 days, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No. 1 shall be enlarged on bail in connection with Crime No. 687 of 2021, on the file of P.S. Kushaiguda 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 XIX Metropolitan Magistrate, Cyberabad at Malkajgiri. Petitioner

shall not influence / threaten the witnesses or hamper the investigation process. If petitioner indulges in any of these activities, prosecution is at liberty to file an Application seeking cancellation of bail.

07th December 2021

LALITHA KANNEGANTI, J

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