

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.8907 OF 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.1 in connection with Crime No.287 of 2021 of Sangareddy Rural Police Station, Sangareddy District, wherein the petitioner/A.1 and other accused are alleged to have committed the offences punishable under Sections 342, 376(2)(f)(n) read with 109 of the Indian Penal Code, 1860 (for short 'IPC'), Section 5(1)(n) read with 6 and 17 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act.

2. The case of prosecution is that a report was lodged by the *de facto* complainant stating that her parents performed her marriage with A.1 on 06.12.2020, at that time she is 15 years old. At the time of marriage, her parents-in-law promised her to continue further studies and they will not allow for sexual intercourse with A.1, as she is a minor. Later, A.1 had sexual intercourse with her with the active support of her parents-in-law. After one month of marriage, the accused persons harassed her physically and mentally and demanding her to sell away six guntas of land given to her at the time of marriage. Four months ago, her father came to know the matter and took her to their home and she has been residing with her parents. Basing on the said report, the present crime is registered.

3. Heard Mr.Nambi Krishna, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner was made to believe that the *de facto* complainant is a major and marriage was performed by her parents. As per the Aadhar Card given at the time of marriage, the *de facto* complainant is a major. After the marriage, as she is not cooperating with consummation of marriage, he made enquiries and obtained original Aadhar Card. Then, he filed O.P.No.1 of 2021 on the file of the Principal District Judge, Medak at Sanga Reddy, under Section 3(1), 2(a) and 8 of the Prohibition of Child Marriage Act, 2006, for nullity of the marriage, dated 06.12.2020. Learned counsel submits that the said O.P. was filed on 06.07.2021 and the present complaint is lodged by the *de facto* complainant on 25.09.2021. The petitioner has been implicated falsely in this case and he has not committed any offence as alleged in the complaint. Further, the petitioner was remanded to judicial custody on 05.10.2021 and since then he has been languishing in jail. Hence, his case may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is still pending and so far three witnesses were examined. Hence, at this stage, the petitioner is not entitled for bail.

6. Taking into consideration the fact that O.P. filed by the petitioner is earlier than to the present complainant lodged by the *de facto*

complainant and the petitioner is languishing in jail from 05.10.2021, this Court deems it appropriate to grant bail to the petitioner/A.1.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.1 shall be enlarged on bail 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 the Additional Judicial First Class Magistrate Court at Sangareddy.

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

LALITHA KANNEGANTI, J

Date :07.12.2021

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THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

Allowed
anticipatory

CRIMINAL PETITION No. 4767 of 2021

01.09.2021

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