

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.43 OF 2022

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.4 in connection with Crime No.138 of 2021 of Mahadevpur Police Station, Jayashankar Bhupalpally District, wherein the petitioner/A.4 and other accused are alleged to have committed the offences punishable under Sections 366-A, 376(2)(n) and 343 read with 109 of the Indian Penal Code, 1860 (for short 'IPC'), Section 5(1) read with 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. A report was lodged by the father of the victim that his daughter found disappeared from 15.10.2021 at 2230 hours. The case of the prosecution is that A.1 trapped the victim in the name of love, kidnapped her and wrongfully confined her in A.3's rented house at Hyderabad and several times committed rape on her, by knowing that she is a minor with the help of A.2, A.3 and the petitioner. Basing on the said report, the present crime is registered.

3. Heard Mr.Mirza Aijaz Ali Baig, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the only allegation against the petitioner herein is that he helped A.1 to meet the victim,

except that there is no other allegation against the petitioner. He submits that the petitioner was arrested and remanded to judicial custody on 27.10.2021 and even since he is languishing in jail. Moreover, the statement of victim is recorded under Section 164 of Cr.P.C. 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 five witnesses were examined. He further submits that A.2 is still absconding. Hence, at this stage, the petitioner is not entitled for bail.

6. Taking into consideration the allegation levelled against the petitioner and he is languishing in jail from 27.10.2021, this Court deems it appropriate to grant bail to the petitioner/A.4.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.4 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 Judicial First Class Magistrate, Manthani, Peddapalli District.

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

LALITHA KANNEGANTI, J

Date :17.01.2022

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