

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.230 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.4 seeking pre-arrest bail in connection with Crime No.221 of 2021 of Kothakota Police Station, Wanaparthy District, registered for the offences punishable under Sections 417, 420, 376(2)(n), 312 r/w 109 of the Indian Penal Code, 1860 (for short “IPC”) and Section 5 (1) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. A report was lodged by the victim on 11.11.2021 stating that one Kavali Suresh i.e. A-1 introduced himself to her and stated that he loved her and would marry her and she also accepted his love. Then A-1 participated in sexual intercourse with her in the house of one Srinivasulu and when she became pregnant. Thereafter A-1 with the help of petitioner and other accused took the victim to hospital, where he got her pregnancy aborted. Basing on the said report, the present crime was registered. Petitioner herein was arrayed as A-5.

3. Heard Sri Palle Nageswar Rao, learned counsel for petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

4. Learned counsel for petitioner submits that petitioner is arrayed as A-5 and he is alleged to have been committed the offences under Sections 420, 376(2)(n), 312 r/w 109 of IPC and Section 5 (1) r/w 6 of POCSO Act. He submits that the allegation against the petitioner is that when A-1 took the victim to the hospital on 21.10.2021, he accompanied him, except this there are no allegations against the petitioner. He submits that petitioner has no knowledge

about the offence proposed to be committed and being friend of A-1, he only accompanied him. He submits that petitioner is unconnected with the alleged offences and further, A-2 to A-4 were already granted pre-arrest bail by the Sessions Court, as such his case may be considered for grant of pre-arrest bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that investigation is pending, so far 14 witnesses were examined and as the petitioner accompanied A-1 when he took victim to the hospital and in view of serious allegations, petitioner is not entitled for pre-arrest bail.

6. Taking into consideration the fact that except stating that petitioner accompanied A-1 while he was taking the victim to the hospital, there are no specific overt acts against him and A-2 to A-4 were already granted pre-arrest bail, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

7. In the result, criminal petition is allowed and the petitioner / A-5 shall be enlarged on bail in the event of his arrest in connection with Crime No.221 of 2021 of Kothakota Police Station, Wanaparthy District on his executing a bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to the satisfaction of Station House Officer, Kothakota Police Station, Wanaparthy District.

LALITHA KANNEGANTI, J

19th January, 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

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19.01.2022

PVD