

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.349 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 of Cr.P.C., is filed by petitioner – Accused in connection with Crime No.605 of 2021 of Moinabad Police Station, Cyberabad registered for the offences punishable under Sections 366 (A), 376 (2) (n) of the Indian Penal Code, 1860 (for short “IPC”) and Section 5 (1) (n) r/w Section 6 of the Protection of Children from Sexual Offences, 2012 (for short “POCSO Act”), seeking bail.

2. A report was lodged by the *de facto* complainant stating that his younger daughter (victim) is aged 16 years and she is pursuing her degree first year in Siddhartha College, Moinabad. On 20.11.2021 she went to the college and in the afternoon, he received a phone call from the college that his daughter did not attend the college. He searched for his daughter, but could not trace her. Basing on the said report, the present crime was registered initially under Section 363 of IPC and later altered as referred to above. On 24.11.2021 the victim girl along with her parents came to police station and the statement of victim was recorded wherein she stated that petitioner, who is her classmate expressed that he loved her and she also accepted for the same and on 23.08.2021 on the request of petitioner, she went to Marvadi Shop, Peddamangalaram village and from there, they went to her house, where petitioner forcibly assaulted her sexually. Thereafter petitioner took her to several places and finally left her at Reddipally village of Moinabad.

3. Heard Smt.P.Vijaya Lakshmi, learned counsel for petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

4. Learned counsel for petitioner submits that the petitioner is alleged to have committed the offences under Sections 366 (A), 376 (2) (n) of IPC and Section 5 (1) (n) r/w Section 6 of POCSO Act. She submits that even as per the complaint, both the petitioner and the victim are classmates, they loved each other and wanted to marry. She submits that petitioner has not committed any offence and as the petitioner belongs to SC Community, which was not acceptable to the parents of victim, he was falsely implicated in this case. She submits that petitioner was arrested on 01.12.2021 and from the last 45 days, he is languishing in jail, as such his case may be considered for grant of bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that investigation is pending, so far five witnesses were examined and 164 Cr.P.C statement of victim is yet to be recorded, as such petitioner is not entitled for bail.

6. Taking into consideration the fact that petitioner and victim are classmates and as per the complaint, they are in love with each other and wanted to marry and further petitioner is languishing in jail from the last 45 days, this Court deems it appropriate to grant bail to the petitioner.

7. In the result, criminal petition is allowed and the petitioner/ Accused shall be enlarged on bail in connection with Crime No.605 of 2021 of Moinabad Police Station, Cyberabad on his executing a

personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to the satisfaction of learned XVI Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.

19th January, 2022

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LALITHA KANNEGANTI, J

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

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19.01.2022

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