

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 528 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioner – Accused seeking bail in the event of his arrest in connection with Crime No. 214 of 2020 on the file of P.S. Shaligouraram, Nalgonda registered for the offences punishable under Sections 366, 343, 376(2)(n) IPC., Section (5L) read with Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act.

2. The case of the prosecution is that on 20.11.2020, at 16.00 hours, the complainant Ravula Venkanna came to police station and lodged a report stating that on 12.11.2020, evening hours, they returned home from agricultural work and found their daughter by name Ramya, aged about 18 years (victim) missing. It is alleged that previously, the petitioner eloped with the victim, hence, he suspects the petitioner might have taken away his daughter.

3. Learned counsel for the petitioner Sri Veera Babu Gandu submits that initially, the report was registered as 'girl missing' and thereafter, offences under Sections 366, 343, 376(2)(n) IPC., Section (5L) read with Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act were registered against the petitioner. He submits that even as per the report, victim is aged about 18 years and earlier, a report was registered against the petitioner under the very same

sections as Crime No. 78 of 2020. Learned counsel submits that the victim is a major and the petitioner and victim are in love and got married and now the victim is pregnant and they are residing together. He submits that because the petitioner belongs to SC community, it is not acceptable to the de facto complainant, hence, this case was foisted against the petitioner. He therefore, submits that the petitioner's case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that earlier also, the petitioner had taken away the daughter of the de facto complainant and in that regard, a report was registered and this is the second one. He submits that investigation is pending and eight witnesses were examined so far. He also submits that Section 161 Cr.P.C. statement of the victim girl reveals that she is pregnant and in view of the allegations against the petitioner, he is not entitled for grant of pre-arrest bail.

5. Taking into consideration the fact that both the petitioner and the victim are married and residing together and victim is also pregnant, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

6. Accordingly, this Criminal Petition is allowed. Petitioner – Accused shall surrender before the Station House Officer, P.S. Shaligouraram in connection with Crime No. 214 of 2020 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty

thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

02nd February 2022

LALITHA KANNEGANTI, J

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