

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.931 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.2 in connection with Crime No.521 of 2021 of Saifabad Police Station, Hyderabad, wherein the petitioner/A.2 and other accused are alleged to have committed the offences punishable under Sections 366 and 376(3) of the Indian Penal Code, 1860 (for short 'IPC'), Section 3 read with 4 and 5 read with 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of prosecution is that on 10.11.2021, while A.1 was returning to his house, noticed the victim girl alone in the night at Nampally Railway Station premises, then he enquired with her and taking advantage of her situation, took her to lift room of his building and committed sexual assault on her for couple of times forcibly. Further, on 11.11.2021, he dropped her at the place of the petitioner to escape from her. The petitioner also took the advantage and committed rape on her at his house and sent back her in MMTS train.

3. Heard Mr.Mohd. Muzaferullah Khan, 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 arrested and remanded to judicial custody on 17.11.2021. He submits that the Court below, by order dated 02.02.2022 in Crl.M.P.No.309 of 2022, has granted bail to A.1. While granting bail, the Court below has observed that the prosecution opposed the petition stating further investigation is pending and the petitioner will not cooperate with the investigation if bail is granted. It is further observed that almost all the witnesses are examined and almost entire investigation is completed, except filing of charge sheet and the petitioner is in judicial custody since more than two months. Learned counsel submits that the petitioner is A.2 and he also stands on similar footing. Hence, his case may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor does not dispute the fact that A.1 was already granted bail by the Court below.

6. Taking into consideration the fact that A.1 was already granted bail by the Court below, by order dated 02.02.2022 in Crl.M.P.No.309 of 2022, this Court deems it appropriate to grant bail to the petitioner/A.2.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.2 shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with one local surety for like sum to the satisfaction of Special Judge for the Trial of Protection of Children from Sexual Offences (POCSO) Act Cases-cum-XII Additional Metropolitan Sessions Judge, Hyderabad. On such

release, the petitioner shall appear before the Station House Officer, Saifabad Police Station on every Sunday between 12.00 Noon and 03.00 p.m. for a period of two months or till filing of charge sheet, whichever is earlier. The petitioner shall also give an undertaking before the Court below that he will cooperate with the Investigating Officer for the purpose of investigation and shall also undertake not to leave the twin cities or the State, without prior intimation in writing to the Court below and without prior permission of the Court below in writing.

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

LALITHA KANNEGANTI, J

Date :10.02.2022

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