

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1127 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No.1 in Crime No. 599 of 2021 on the file of Khammam II Town Police Station registered for the offences punishable under Sections 354(A), 354(D), 506, 376 read with Section 511, 109 IPC. and Sections 8, 12 and 17 of PCOSO Act., seeking bail.

2. The case of the prosecution is that the de facto complainant along with her husband and daughter who is a minor girl (victim), aged 14 years were staying at Annam Seva Foundation at Rotary Nagar, Khammam and the petitioner was working in the said foundation and that he used to take the victim to market. It is alleged that due to the behavior of the petitioner, he was expelled from the Ashram. While so, on 10.10.2021, when the victim went to her sister's house, the petitioner took her to his relative Mettu Bujji Babu's house at Rotary Nagar and tried to commit rape on her at 02.30 p.m. and when the victim raised hue and cry, the petitioner escaped from there.

3. Learned counsel for the petitioner Sri Syam Sundar Kondapalli submits that the petitioner is implicated in this case. He submits that the petitioner had earlier filed a complaint before the police on 24.12.2021 and as they have not received the same, he sent it by way of Registered Post which was received by the police on 05.01.2022. He further submits that as a counter-blast to the said complaint, the present complaint is lodged by the victim and her mother. It is stated that the petitioner was arrested and remanded to judicial custody on 10.01.2022 and for the last more than 40 days, he has been languishing in jail. He submits that the statement of the victim under Section 164 Cr.P.C. was recorded and the petitioner is ready to cooperate with the investigation, hence, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor submits that investigation is in progress. He submits that in view of the grave allegations levelled against the petitioner, if he is released on bail, he may threaten the victim and may hamper the investigation process. Learned Assistant Public Prosecutor submits that at this stage, the petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that the statement under Section 164 Cr.P.C. was recorded and the petitioner is languishing in jail for the last more than 40 days, this Court deems it appropriate to grant bail to the petitioner, however on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No.1 shall be enlarged on bail in connection with Crime No. 599 of 2021 on the file of Khammam II Town Police Station 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 I Additional Judicial First Class Magistrate, Khammam. As the victim is residing in Khammam II Town Police Station limits, till investigation is completed and charge sheet is filed, the petitioner shall not enter into the limits of that police station.

LALITHA KANNEGANTI, J

22nd February 2022

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