

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.1199 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/accused in connection with Crime No.211 of 2021 of Bommala Ramaram Police Station, Rachakonda Commissionerate, wherein the petitioner is alleged to have committed the offences punishable under Sections 376(2), 376(3), 354, 323 and 509 of the Indian Penal Code, 1860 (for short 'IPC'), Section 5 read with 6 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that on 30.12.2021 at 1300 hours, the *de facto* complainant lodged a report stating that when she was an infant age of one week, Nalgonda Child Welfare Committee was joined her in Saidhama Ashramam and while she was studying 6th class, the Peetadipathi died and the accused took charge of the Ashramam and he is used to misbehave with her and exploited her sexually. She further stated that while she was studying 8th class in the year 2018, March 3rd week, they went to Shiridi, where the accused misbehaved with her second time and assaulted her sexually. The accused also misbehaved with other girls and used to touch private parts several time, where CCTV cameras not available and used to call her to bath and sleep. The accused asked her to go out from the Ashramam, since then she has been

living in State Home at Ameerpet since two years. Basing on the said report, the present crime is registered.

3. Heard Mr.M. Rathan Singh, 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 31.12.2021 and ever since he is languishing in jail. He submits that there are several proceedings between the petitioner and other members of the Trust with regard to the maintenance and management of the Ashramam and they have filed S.O.P.No.21 of 2021 before the District Judge-cum-Vacation Civil Judge, Nalgonda District seeking for removal of petitioner and other trustees of Sri Sai Seva Samithi along with other reliefs. He further submits that in view of these disputes, the petitioner has been implicated in this case. The petitioner is languishing in jail from the last 45 days and he has moved two bail applications before the Court below and the Court below, without considering them in proper perspective, has dismissed those bail applications. Learned counsel submits that already 164 Cr.P.C. statement of the victim is recorded and admittedly she is not staying in the Ashramam. The petitioner is ready to cooperate with the investigation. Hence, his case may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that there are grave allegations against the petitioner. However, he does not dispute the fact that 164 Cr.P.C. statement of the victim is already

recorded and she is not staying in the Ashramam. He submits that in view of the allegations levelled against the petitioner and as investigation is pending, he is not entitled for bail.

6. Taking into consideration the fact that the petitioner is languishing in jail from the last 45 days, as 164 Cr.P.C. statement of the victim is already recorded, further taking into consideration the disputes with regard to the management of the Sri Sai Seva Samithi, this Court deems it appropriate to grant bail to the petitioner/accused.

7. Accordingly, this Criminal Petition is allowed and the petitioner/accused shall be enlarged on bail 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 Judicial First Class Magistrate Court at Bhongir. On such release, the petitioner shall appear before the Station House Officer, Bommala Ramaram Police Station, twice in a month i.e., on 1st and 15th of every month between 10.00 a.m. and 1.00 p.m. till the investigation is completed.

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

LALITHA KANNEGANTI, J

Date :15.02.2022

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