

**HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No.1344 of 2022**

**O R D E R:**

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused in Crime No.13 of 2022 on the file of Mirchowk Police Station, Hyderabad, registered for the offences punishable under Section 363 IPC and Section 11 read with Section 12 of POCSO Act, 2012, seeking bail.

2. The case of prosecution is that on 13.01.2022 the de facto complainant, who is father of the victim girl, lodged a complaint with the police stating that victim girl, aged 15 years is studying Intermediate 1<sup>st</sup> year at Vani College, Malakpet and after completion of college, she regularly goes to tuitions at Numan Tutorials located in the next lane of his residence from 07.00 pm to 10.00 pm. It is stated that about a month ago, tuition principle by name Numar called him and informed that the victim is talking with Mohd. Talah, teacher and on knowing the same, he immediately stopped her from going to tuition and tuition principle removed the said Mohd Talah from the tutorials. While so, on 12.01.2022, he came to know that the victim and Mohd. Talar are regularly in contact over phone. He immediately went to the house of Mohd. Talah and informed the same to his mother and also said that he is giving complaint against Mohd Talah.

The mother of Mohd. Talah came to his house and requested not to lodge any complaint and she assured him that she will not allow her son to talk with the victim girl. On 13.01.2022 his daughter went to kitchen saying that she will wash utensils and after sometime, she was found missing, that they searched for her at all possible places and checked opposite house CCTV footage and came to know that she left the house at 07.30 pm, without informing anyone. The de facto complainant suspects Mohd. Talah behind missing of his daughter.

3. Learned counsel for the petitioner Mr. M.A. Mujeeb submits that the petitioner is falsely implicated in this case. He submits that as it is stated in the complaint that the victim is moving closely with the petitioner, which is not acceptable to her parents, the present complaint is lodged. Learned counsel submits that the petitioner was arrested and remanded to judicial custody on 13.01.2022 and from the last 50 days, he has been languishing in jail. He submits that the petitioner is aged about 19 years and is a student pursuing Degree 2<sup>nd</sup> year in RG Kedia Degree College, Chaderghat. He submits that as the petitioner is unconnected with the alleged offences, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that there are allegations against the

petitioner and they also made a requisition to the Magistrate for recording the statement of the victim under Section 164 Cr.P.C but so far, it is not recorded. He submits that at this stage, the petitioner is not entitled for bail.

5. Taking into consideration the fact that the petitioner is a student and is languishing in jail from the last 50 days, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused shall be enlarged on bail in connection with Crime No.13 of 2022 on the file of Mirchowk Police Station, Hyderabad, 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 XII Additional Metropolitan Sessions Judge, Hyderabad.

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**LALITHA KANNEGANTI, J**

28<sup>th</sup> February, 2022

ksld/pld

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**Date:28-02-2022**