

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.1500 OF 2022

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/accused in the event of his arrest in connection with Crime No.208 of 2021 of L.B. Nagar L & O Police Station, Rachakonda Commissionerate, registered for the offences punishable under Section 354 IPC and Section 11 read with 12 of the Protection of Children from Sexual Offences Act, 2012.

2. A report was lodged by the father of the victim stating that on 16.02.2021 at about 1245 hours, the victim made a phone call to him and informed that flames were blowing out from the 4th floor of college building and they all ran away out from the campus, meantime one unknown person slapped on her cheek by strangulating and thrown her aside with hands on her chest. Later, they came to know that the unknown person is the husband of principal. Basing on the said report, the present crime is registered.

3. Heard Mr.Gummalla Bhasker Reddy, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that initially a complaint was lodged on 10.02.2021 and later on 18.02.2021, the *de facto* complainant has addressed a letter to police stating that they are withdrawing the said case. He submits that even if all the allegations in the complaint are taken on its face value, they do not attract either Section 354 IPC or the provisions of POCSO Act and admittedly as per the complaint also fire accident has taken place and they were trying to vacuum the flames, somebody beat her on cheek and pushed her aside by touching the chest with hands. He further submits that the petitioner is husband of the Principal and all of them were in the process of safeguarding the children and in the process of evacuation, the incident might have happened. It is submitted that in the complaint it is not stated that with an intention, the petitioner has done the same. Hence, the petitioner's case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits 164 Cr.P.C. statement of the victim is recorded. In view of the allegations levelled against the petitioner, he is not entitled for pre-arrest bail.

6. Taking in to consideration the letter addressed by the *de facto* complainant for withdrawal of the complaint, the only allegation is that in the process of evacuation, the petitioner has pushed and beat the victim on cheek and further taking into consideration the said situation, this Court deems it appropriate to grant pre-arrest bail to the petitioner/accused.

7. Accordingly, the Criminal Petition is allowed. Petitioner/accused shall surrender before the Station House Officer, L.B.Nagar L & O, Rachakonda Commissionerate, in connection with Crime No.208 of 2021 within one week from today and on such surrender and executing a personal bond for a sum 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.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :23.02.2022

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