

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.1673 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/A.2 in the event of his arrest in connection with Crime No.156 of 2021 of Bommala Ramaram Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 363 and 366 IPC.

2. A report was lodged by the father of the victim stating that on 21.09.2021 at about 12.00 Noon, his second daughter left the house stating that she is going to Kirana shop and did not return back and he searched in the surrounding place and also caused enquiries with the relatives and friends, but could not trace her. He suspected on Aeshaboina Vinod Kumar behind the missing of his daughter. Basing on the said report, the present crime is registered.

3. Heard Mr.Veera Babu Gandu, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner is arrayed as A.2 and alleged to have committed the offences under Sections 363, 366, 376(2)(n) read with 109 IPC and Section 5(l) read with 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'). He submits that initially the petitioner is not arrayed as accused. But, later basing on the statement made by the victim that the petitioner and other persons have dropped A.1 and the victim at Habsiguda bus stand and left from there, the petitioner is arrayed as A.2. Except that there are no allegations against this petitioner. He further submits that A.1 and A.3 were arrested and released on bail. It is submitted that the petitioner has not committed any of the offences as alleged and he has been implicated in this case falsely. 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 already recorded and investigation is pending. In view of the allegations levelled against the petitioner, he is not entitled for pre-arrest bail.

6. Taking in to consideration the fact that A.1 and A.3 were already granted bail and except the allegation that the petitioner dropped A.1 and the victim at the bus stop, there are no other allegations, this Court deems it appropriate to grant pre-arrest bail to the petitioner/A.2.

7. Accordingly, the Criminal Petition is allowed. Petitioner/A.2 shall surrender before the Station House Officer, Bommala Ramaram Police Station, Rachakonda Commissionerate, in connection with Crime No.156 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 :03.03.2022

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