

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1800 of 2022

O R D E R:

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C seeking regular bail to the petitioner – Accused in connection with Crime No. 8 of 2022 on the file of Golconda Police Station, Hyderabad registered for the offences punishable under Sections 376(2)(n), 341, 504 IPC., Section 5 read with Section 6 of POCSO Act, 2012 and Section 67 of the Information Technology Act, 2008.

2. The case of the prosecution is that on 11.01.2022, at 21.00 hours, the victim girl gave a report stating that while she was studying 2nd year Intermediate at BJR College, Golconda, she met the petitioner in Snap Chat App and after few days, both of them exchanged phone numbers and used to talk regularly. While so, in August 2020, the petitioner with an assurance that he would marry her, developed physical intimacy and continued the same relation even thereafter and recorded her personal movements in his phone. During Ramazan, 2021, the parents of victim came to know about the same and they warned her, but on 03.01.2022, the petitioner took the victim to OYO Hotel at Jambagh, Hyderabad and had sexual intercourse with her. It is alleged that on the same day, the victim saw his phone and found that he is chitchatting with some other girls and when questioned, the petitioner gave evasive replies. The victim

suspecting his character, started avoiding him, but the petitioner called her over her mother's phone and on 08.01.2022, he came to her house and locked the gate from outside and went away and he sent the photos and video to her Hindi teacher Whats App. Hence, the compliant.

3. Learned counsel for the petitioner Sri S.J.A. Nadeem submits that both the petitioner and the victim are in love with each other and the parents of the victim are not interested in this relationship, hence, at their behest, the present complaint is lodged. He submits that even in the complaint, it is stated that when the victim is moving closely with the petitioner, her parents warned her not to talk with him. He submits that the parties have finalized the memorandum of understanding executed between them. It is also stated that as the complainant is in love with the petitioner, she has not come forward to give her statement under Section 164 Cr.P.C. before the Magistrate. Learned counsel further submits that the petitioner is languishing in jail since 48 days and as he is ready to cooperate with the investigation, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the allegation against the petitioner is that he videographed the private movements between himself and the victim and forwarded the same to the Hindi teacher and through them the victim girl came to know about these things. He submits that the victim is a minor and the

petitioner who came in touch with her through Snap Chat App has developed physical contact with her. He further submits that investigation is pending, at this stage, the petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that the petitioner is languishing in jail from the last 48 days and as he is ready to cooperate with the investigation, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. 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 XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The petitioner shall not hamper the investigation process and shall not threaten the witnesses. If the petitioner is indulged in any kind of these activities, the prosecution is at liberty to file an Application for cancellation of bail.

LALITHA KANNEGANTI, J

4th March 2022

ksld