

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1801 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 in Cr.No.140 of 2021 on the file of Ellandakunta Police Station, Karimnagar District, registered for the offences punishable under Sections 366-A, 376 read with 34 IPC and under Section 3 and 4 of POCSO Act, 2012, seeking bail.

2. The case of prosecution is that the de-facto complainant has lodged a complaint stating that on 09.12.2021 at 20.00 hours, when he along with his wife were returned to home after attending a marriage, they did not find their daughter and though they have searched in surrounding areas, her whereabouts are not known. The investigation revealed that A1 and A2 had forcibly taken away their daughter on motorcycle and A2 dropped A1 and the victim at Warangal Railway Station, later, they proceeded to Vijayawada, where A1 took a rented room and committed sexual intercourse on the victim forcibly.

3. Learned counsel for petitioner Mr. G. Madhusudhan Reddy, submits that the statement of the victim under Section 164 Cr.P.C., has already been recorded and the petitioner was arrested and remanded to judicial custody on 15.12.2021 and he is languishing in jail from the last 78 days. He submits that even as per the case of

the victim, she has voluntarily gone along with the petitioner, as such Section 366-A IPC has no application. Learned counsel further submits that the victim is in love with the petitioner and she went along with the petitioner voluntarily. He submits that the petitioner is ready to cooperate with the investigation and hence, his case may be considered for grant bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the victim is aged about 17 years and the petitioner has taken her away and had participated in sexual intercourse and whether she went along with the petitioner voluntarily or there is a consent for sexual intercourse, still Section 376 IPC is applicable and Section 366-A IPC is also attracted. He submits that the statement of the victim under Section 164 Cr.P.C is recorded, wherein she stated that she went along with A1 and spent one night with him and later, her parents gave complaint before the police. He further submits that in view of the allegations leveled against the petitioner, he is not entitled for bail.

5. Taking into consideration the fact that the statement of victim under Section 164 Cr.P.C., is recorded and the petitioner is languishing in jail since 78 days and he is ready to cooperate with the investigation, this Court deems it appropriate to grant bail to the petitioner-A1.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.1 shall be enlarged on bail in connection with Crime No.140 of 2021 on the file of Ellandakunta Police Station, Karimnagar District, 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 II Additional Judicial Magistrate of First Class at Huzurabad.

LALITHA KANNEGANTI, J

4th March, 2022.

sj