

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1964 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused in Crime No. 381 of 2020 on the file of Saidabad Police Station registered for the offences punishable under Sections 366, 376(2)(n) IPC. and Section 5 read with Section 6 of POCSO Act, 2012, seeking bail.

2. The case of prosecution is that on 05.11.2020 at 16.00 hours, a report was received from Chine Padma stating that on 28.10.2020 at about 09.00 a.m. her daughter Chine Sirisha left the house without informing her and while leaving home, she took her certificates, Rs.50,000/- cash and one gold chain. The complainant suspects the petitioner for disappearance of her daughter and she requests to take action against him.

3. Learned counsel for the petitioner – Accused Sri G.R. Krishna Prasad submits that initially, case was registered under Section 363 IPC. and later Sections 366, 376(2)(n) IPC. and Section 5 read with Section 6 of POCSO Act were included. It is submitted that earlier, the petitioner was granted pre-arrest bail by this Court by order dated 27.01.2021

wherein it is observed that in the FIR, age is shown as 17 years and as per the date of birth certificate, her date of birth is 12.07.2002 i.e. she has already attained majority. He submits that the petitioner was directed to surrender before the Station House Officer, Saidabad Police Station within 15 days from the date of the said order. It is submitted that the petitioner could not surrender before the police. The parties have entered into compromise and it is stated that the matter is likely to be compromised before the National Lok Adalat. It is stated that later certain disputes have taken place between the parties and the provisions of POCSO Act and other offences were added. It is submitted that the petitioner was remanded to judicial custody on 12.01.2022 and since then, he has been languishing in jail. Learned counsel submits that as per the school certificates, the victim girl is a major and the POCSO Act has no application in this case, hence, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor submits that investigation is pending and so far five witnesses were examined. It is stated that in view of the allegations levelled against the petitioner, he is not entitled for bail.

5. Taking into consideration the fact that earlier, this Court granted pre-arrest bail to the petitioner, wherein it is

categorically observed that as per the school records, the de facto complainant is a major. Hence, this Court deems it appropriate to grant him bail.

7. The Criminal Petition is accordingly, allowed. The petitioner – Accused shall be enlarged on bail in connection with Crime No. 381 of 2020 on the file of Saidabad Police Station 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 Special Judge for POCSO Act –cum- XII Additional Metropolitan Sessions Judge, Hyderabad.

LALITHA KANNEGANTI, J

10th March 2022

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