

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 2791 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Accused No.2 on bail in connection with Crime No.599 of 2021 on the file of Station House Officer, Khammam-II Town Police Station, Khammam District registered for the offences punishable under Sections 354(A), 354(D), 506 and 376 read with Sections 511, 109, 212 of Indian Penal Code (IPC) and Sections 8, 12 and 17 of POCSO Act.

2. Heard Sri Syam Sundar Kondapalli, learned counsel for the petitioner/Accused No.2, the learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. Petitioner is arrayed as Accused No.2 in the aforementioned Crime.

4. The case of the prosecution is that the *de facto* complainant along with her husband and daughter who is a minor girl (victim), aged 14 years were staying at Annam Seva Foundation at Rotary

Nagar, Khammam and the Accused No.1 was working in the said foundation and that he used to take the victim to market and that due to the behavior of the Accused No.1, he was expelled from the Ashram. While so, on 10.10.2021, when the victim went to her sister's house, on the suggestion of petitioner/Accused No.2, Accused No.1 took her to the house of petitioner/Accused No.2 at Rotary Nagar and Accused No.1 tried to commit rape on her at 02.30 PM and when the victim raised hues and cries, he escaped from there.

5. Learned counsel for the petitioner submits that the Accused No.1 who is the alleged prime accused of the crime was released on bail by the orders of this Hon'ble Court vide Crl.Petition No.1127 of 2022 on 22.02.2022.

6. The petitioner/Accused No.2 is in jail since 09.03.2022 and the statement of the victim was also recorded under Section 164 of Cr.P.C.

7. In the said circumstances, in the background of release of Accused No.1 and completion of 164 Cr.P.C. statement of the

de facto complainant, the petitioner/Accused No.2 can be granted bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 is granted bail subject to the following conditions:

The petitioner/Accused No.2 shall execute 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 I Additional Judicial First Class Magistrate, Khammam. As the victim is residing in Khammam II Town Police Station limits, till the investigation is completed and charge sheet is filed, the petitioner/Accused No.2 shall not enter into the limits of that police station.

9. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

Date :04.04.2022
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