

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 3498 of 2022

O R D E R:

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 on bail, who is arrayed as accused No.1 in Sessions Case No.198 of 2021 on the file of Special Judge for the trial of cases under POCSO Act-cum-I Additional Sessions Judge, Khammam, for the offence punishable under Sections 376-AB, 366, 294 (b), 323, 506, 109 IPC and Section 4 and 17 of Protection of Children from Sexual Offences, 2012.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The learned Counsel for the petitioner submits that, the petitioner, who is accused No.2, failed to appear before the trial Court on 13-12-2021, for which reason NBW was issued against him, as no petition under Section 317 Cr.P.c was made to dispense with the attendance of the petitioner. Since the petitioner was on bail and only on one occasion the

petitioner was absent and on failure to file petition under Section 317 Cr.P.C the petitioner was remanded to judicial custody and he is in jail since 13.12.2021. In the said circumstances, the petitioner can be released on bail.

4. Accordingly, this petition is allowed, and the petitioner/Accused No.2 is directed to be released on bail on his executing personal bonds for Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties for a like sum, to the satisfaction of the Special Sessions Judge, for trial of cases under POCSO Act-cum-I Additional Sessions Judge, Khammam. Further, the petitioner shall appear before the trial court on each and every date of hearing, failing which the trial court may take appropriate action.

Accordingly, the Criminal Petition is allowed. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

25.04.2022

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