

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 3620 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/Accused No.2 in the event of his arrest in connection with Crime No.239 of 2021 on the file of Station House Officer, Jagathgirigutta Police Station, Cyberabad registered for the offence punishable under Section 366, 376(2)(n), 109 of Indian Penal Code (I.P.C.) and Section 5(l) read with Section 6 of POCSO Act, 2012 and Section 9 and 10 of Prevention of Child Marriage Act.

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

3. The case of the prosecution is that the victim girl was in love with Accused No.1 and they were chatting on their mobile phone. On 06.04.2022 the Accused No.1 sent a message to the victim girl's second sister to come outside the house and there she found Accused No.1 and the petitioner/Accused No.2 herein on a scooty.

She went along with Accused No.1 and this petitioner and went to the house of Accused No.1 where Accused No.3 who is the father of Accused No.1 was present and he asked them to get married and he would take care of the consequences. Thereafter all three of them went to Durgamatha temple where Accused No.1 married the victim girl and tied pasuputhadu. When this petitioner/Accused No.2 went out to get food, it is alleged that Accused No.1 sexually assaulted her thrice against her will. On 11.04.2022 since they ran out of money they came back to Hyderabad.

4. The allegation against the petitioner/Accused No.2 is that he accompanied Accused No.1 and the victim who went to Durgamatha temple and where they got married. In the said circumstances, the petitioner/Accused No.2 who is a student can be granted the relief of Anticipatory Bail.

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

i) The petitioner/Accused No.2 is directed to surrender before the Station House Officer, Jagathgirigutta Police Station, within ten

(10) days from the date of the order, and on such surrender, the said Station House Officer shall release the petitioner/Accused No.2 on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties to the like sum each to his satisfaction.

ii) The petitioner/Accused No.2 shall appear before the Station House Officer, Jagathgirigutta Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. for a period of eight (08) weeks.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

K.SURENDER,J

Date : 26.04.2022
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