

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.4544 OF 2022

ORDER:

This Criminal Petitions is filed under Sections 437 and 439 of the Criminal Procedure Code by the petitioner/accused in Crime No.208/2022 on the file of Jeedimetla Police Station, Balanagar Division, Cyberabad, registered for the offences punishable under Section 363, 343, 376 (F) (N) of IPC and Section 5(i) (ii) (o) (L) Rule-6 of POCSO Act, 2012 and Section 3(2)(v) of the SC/ST (POA) Amendment Act, 2015.

2. As per learned Assistant Public Prosecutor notices were served on the defacto complainant.

3. The case of the prosecution is that the victim girl, who, on age determination test was found to be of 16 to 17 years was allegedly raped by the petitioner. The said act of the petitioner in committing the rape was known to the parents of the victim when she was suffering with fever and on testing it was confirmed that she was three months pregnant. Accordingly on 21.03.2022, the present petitioner was arrested and sent to judicial custody.

4. Learned Assistant Public Prosecutor submits that statement under Section 164 of Cr.P.C, is yet to be recorded and according to the age determination test conducted by the doctor, the victim is aged 16 to 17 years.

5. As seen from the Remand Report all the nine witnesses have been examined and non-examination under 164 of Cr.P.C cannot be a ground to refuse bail.

6. In the said circumstances and since the petitioner is in jail from 21.03.2022, this Court is inclined to grant bail to the petitioner/Accused subject to the following conditions:

- i) The petitioner/Accused 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 the Special Sessions Judge for Trial and Disposal of Cases under POCSO Act, Ranga Reddy District at L.B.Nagar.
- ii) The petitioner/Accused shall appear before the concerned Station House Officer on every Monday between 10.30 a.m. and 01.00 p.m. for a period of three (3) months or until filing of charge sheet, whichever is earlier.
- iii) The petitioner/Accused shall not in any manner contract the victim girl or the family members of the victim.

- iv) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.
- v) It is needless to say that in the event of the petitioner violating any of the conditions, the prosecution may take steps against the petitioner/Accused for cancellation of bail.

Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

15.06.2022
tk

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 4544 OF 2022

Dt.15.06.2022

tk