

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4687 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused in the event of his arrest in Crime No.163 of 2022 on the file of Station House Officer, Hasanparthy Police Station, Warangal District, registered for the offence punishable under Section 370(4) of Indian Penal Code, Section 11 read with Section 12 of POCSO Act-2012 and Sections 3, 4, 5 and 6 of PIT Act.

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

3. The case of the *de facto* complainant is that his aunt Kamsani Kamala gave birth to a child namely Kamsani Madhu, after two years of the birth of Kamsani Madhu, she lost her conscious and went away leaving her daughter. After that they have looked after the welfare of said child Kamsani Madhu and at the age of 10 years, she was sent to this petitioner's house wherein she was living from that

time. It is alleged that after attaining the age of 12 years, this petitioner had an intention to send her to brothel house, for which reason, the present complaint came to be filed.

4. After filing of the present complaint, said Madhu was sent to Prajwala Rescue Home at Hyderabad and she was examined on 27.05.2022 at Barosa Centre wherein she stated that this petitioner had looked after her properly and never harassed her. Further, there was no question of any kind of prostitution being run.

5. However, learned counsel appearing for the *de facto* complainant submits that Barosa Centre statement was a result of threatening by this petitioner.

6. In view of the present facts and circumstances of this case, since the case is still under investigation and if the police find any complicity of this petitioner in forcing either this victim girl or any one into prostitution, legal consequences would follow, as such, this petitioner can be granted the relief of anticipatory bail on basis of the victim statement made before Barosa Centre.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

- i) The petitioner/Accused is directed to surrender before the Station House Officer, Hasanparthy Police Station, Warangal within one week from today, and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.
- ii) The petitioner/Accused shall appear before the concerned Station House Officer on every 1st and 3rd Monday between 10.30 AM and 01.00 PM for a period of three (03) months or until filing of charge sheet, whichever is earlier.
- iii) The petitioner/Accused shall not contact the victim girl in any manner whatsoever in the event of this petitioner making any contact with the said crime against her wish, the police are at liberty to seek cancellation of bail.

iv) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

Date: 22.06.2022
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K.SURENDER, J