

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4790 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioners who are arrayed as Accused Nos.1 to 4 in the event of their arrest in Crime No.761 of 2022 on the file of L.B.Nagar Police Station, Rachakonda, registered for the offences punishable under Sections 354, 380 and 323 read with Section 34 of IPC and Section 11 read with Section 12 of POCSO Act, 2012.

2. Heard learned counsel for petitioners/Accused Nos.1 to 4 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The *de facto* complainant lodged a complaint dated 30.04.2022 against these petitioners stating that they are relatives of her father and in fact on 10.04.2022 the petitioners and others insisted the *de facto* complainant to accompany them to Rajasthan State, when she refused the petitioners are misbehaved with her, which attract penal consequences under Section 354 of IPC and also

committed theft of Jewellery and laptop and net cash of Rs.4,58,000/-. There are property disputes after the death of the father of the *de facto* complainant.

4. Learned Senior Counsel Sri.T.Niranjan Reddy appearing for the petitioners would submit that in fact the 1st petitioner/Accused No.1 filed a complaint with the police L.B.Nagar stating that the girl went missing and a crime was registered vide FIR No.637 of 2022 under Section 363 of IPC on 11.04.2022. Thereafter, L.B.Nagar police traced the *de facto* complainant and then she gave a statement on 12.04.2022 stating that her father expired four days ago and without informing when she left the house, the petitioners have filed a complaint and she further stated that she was not willing to go home but want to stay with her neighbor Ganta Manasa. Nothing is stated by defacto complainant about any incident on 10.04.2022, when examined on 12.04.2022.

5. The said events that transpired after 10.04.2022 are not disputed by the learned Assistant Public Prosecutor. The present complaint is filed with delay of 20 days.

6. In the said circumstances, which suggest the present compliant an afterthought, there is no requirement of any custodial interrogation and these petitioners can be granted the relief of Anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 to 4 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.1 to 4 are directed to surrender before the Station House Officer, L.B.Nagar Police Station, Rachakonda within one week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.1 to 3 shall appear before the concerned Station House Officer on every 1st and 3rd Sundays between 10.30 AM and 01.00 PM for a period of three (03) months and the petitioner/Accused No.4 shall appear before the investigating authorities as and when required.

iii) The petitioners/Accused Nos.1 to 4 shall not threaten the *de facto* complainant in any manner with respect to the properties involved.

iii) The petitioners/Accused Nos.1 to 4 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.

Date: 16.06.2022
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K.SURENDER, J