

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.5058 OF 2022

O R D E R:

This Criminal Petition is filed under Section 438 of Cr.P.C., seeking pre-arrest bail to the petitioners/accused Nos.2,3,4,6 and 7 in the event of their arrest in connection with Crime No.158 of 2022, pending on the file of Sangareddy (R) Police Station, Sangareddy District, registered for the offences punishable under Sections 376(2)(n), 109 of Indian Penal Code, Sections 6 and 17 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006.

2. Heard learned counsel for petitioners/accused Nos.2,3,4,6 and 7 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that the victim girl filed a complaint on 10-05-2022 stating that the petitioner Nos.1 and 2, who are accused Nos.2 and 3, are the parents of accused No.1 and the accused Nos.5 and 6 are the parents of the victim girl. It is alleged by the victim girl that her parents and the parents of accused No.1 have forcibly performed her marriage with accused No.1 though she was a minor as on the date of marriage i.e. 20.02.2022. The investigation is

based upon the *Bona fide* Certificate issued by the School authorities, where the girl studied, stating that the date of birth of the victim girl is 12-06-2004. However, the Aadhar Card of the victim girl, which is filed in the material papers, reflects that the date of birth of the girl was 01.01.2004.

4. Learned counsel for the petitioners argued that in fact the marriage was performed with consent of the girl however, for the reasons best known to her she has filed false complaint against her own parents and parents of the bridegroom. Admittedly, she was major by the date of her marriage, as such, requested for grant of anticipatory bail to the petitioners.

5. As seen from the facts and circumstances, the girl has lodged the complaint after three months of her marriage after living for some time with accused No.1. When the petitioners are parents and relatives of the victim girl and accused No.1, custodial interrogation in the said circumstances is not necessary and the petitioners/accused Nos.2,3,4,6 and 7 can be granted the relief of Anticipatory Bail, on the following conditions:

- i) The petitioners/accused Nos.2,3,4,6 and 7 are directed to surrender before the Station House Officer, Sangareddy (R), Sangareddy District, within a period of ten days from the date of this order. On such surrender, the said

Station House Officer shall release the petitioners/accused Nos.2,3,4,6 and 7 on bail, on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties in a like sum each to his satisfaction.

- ii) On such release, the petitioners/accused Nos.2,3,4,6 and 7 shall report before the said Station House Officer as and when required for investigation till filing of charge sheet.
- iii) The petitioners/accused Nos.2,3,4,6 and 7 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date :23.06.2022

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Dt.23.06.2022

