

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5339 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.633 of 2022 on the file of Vanasthalipuram Police Station, Rachakonda, registered for the offences punishable under Sections 354 D, 506 of Indian Penal Code and under Section 11 read with 12 of POCSO Act, 2012.

2. The case of the prosecution is that the mother of the victim girl filed a complaint stating that this petitioner was harassing her daughter in the name of love and marriage and threatened to kill her if the victim girl failed to marry him. Later, the petitioner collected photograph of the victim girl and morphed her photo by showing that the victim girl is close to him and uploaded in Facebook and Whats app. Thereafter, he again started threatening that if she does not marry he would perform black magic. For the reason of the said bad propaganda that petitioner is making, they are insulted in the society.

3. Learned Counsel for the petitioner submits that notice under Section 41-A of Cr.P.C was issued and without following due procedure and though there was no violation of the conditions, the petitioner was arrested.

4. Learned Assistant Public Prosecutor submits that the victim girl is aged 16 years and that the petitioner is not entitled for bail.

5. As seen from the Remand Report, the petitioner was following the victim girl and pestering her to marry him. There are no allegations of any physical assault or any other acts except following the victim girl. The petitioner is in jail since 19.05.2022. The petitioner is pursuing his Post Graduation.

6. In the said circumstances of the petitioner being in jail for more than one month, he can be released on bail subject to the following conditions.

- i) The petitioner/Accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the XXIV Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District.

- ii) The petitioner/Accused shall appear before the concerned S.H.O. on every Monday between 10.30 a.m. and 01.00 p.m. for a period of three months or until filing of the charge sheet whichever is earlier.
- iii) The petitioner/Accused shall not contact the victim girl or her family members in any manner and violation of any conditions by the petitioner would entail the prosecution to seek cancellation of bail.
- iv) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

30.06.2022
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K.SURENDER, J

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Dt.30.06.2022

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