

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5794 of 2022

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Accused on bail in connection with Crime No.62 of 2022, on the file of Koheda Police Station, Siddipet District, for the offences punishable under Sections 363, 376(2) of Indian Penal Code and Section 5 read with 6 of POCSO Act, 2012.

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

3. The petitioner is the sole accused. The father of the victim girl filed complaint on 04.05.2022 stating that his daughter was missing and suspects this petitioner in the missing of his daughter. During the course of investigation on 06.05.2022 the victim girl appeared before the Koheda Police Station and she was sent for examination. In her statement before the 'Bharosa Centre' she stated that she was acquainted with this petitioner and they were on talking terms since long time; and that in the month of November, 2020 they sexually cohabited with each other and also they met frequently and had physical relation. Both the petitioner

and the victim girl eloped and got married on 03.05.2022 at Vemulawada.

4. Learned Counsel for the petitioner submits that the victim girl is not a minor; and that she is aged about 20 years.

5. However, learned Assistant Public Prosecutor submits that the victim girl is less than 18 years old for which reason the police invoked the provisions of POCSO Act.

6. As seen from the statement of the victim girl made before the 'Bharosa Centre', she was in fact in love with the petitioner for the last two years and on her own she eloped with the petitioner.

7. In the said circumstances, when there was no force used on the victim girl in any manner by this petitioner, the petitioner can be released on bail subject to following conditions:

i. The petitioner/Accused is directed to be released on bail on his executing personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each, to the satisfaction of Principal Judicial First Class Magistrate at Husnabad.

ii. On such release, the petitioner/Accused shall appear before the concerned Police Station on every Monday between 10.30 a.m. to 1.00 p.m. for a period of two months or till filing of charge sheet whichever is earlier, for the purpose of investigation.

iii. The petitioner/Accused shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

8. Accordingly, the Criminal Petition is allowed.

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

Date :11.07.2022
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K.SURENDER, J

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Dt.11.07.2022

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