

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5850 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused in Crime No.947 of 2022 on the file of Station House Officer, Rajendranagar Police Station, Cyberabad registered for the offences punishable under Sections 366 and 376(2)(n) of Indian Penal Code and Section 5(1) read with Section 6 of POCSO Act, 2012.

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

3. The case of the prosecution is that on 01.06.2022 the mother of the victim girl lodged a complaint stating that her elder daughter aged about 16 years was missing and suspected this petitioner of being involved. During the course of investigation, the police Rajendranagar with whom the complaint was filed received a phone call from Jeypore Police Station stating that the victim girl was in

their custody. Accordingly, two police constables were sent to Jeypore Police Station and she was brought back. On examination she stated that she was in love with this petitioner and also indulged in sexual relation with this petitioner. When the petitioner gone to Odisha State, he had given mobile phone to her and she was talking to him secretly. On 31.05.2022 the petitioner came near the house of the victim and asked her to accompany him to Odisha. Accordingly, they reached Odisha on 01.06.2022 and they exchanged garlands in a temple. Thereafter, she approached the Jeypore Sadar Police Station and narrated the events of the petitioner taking her to Odisha.

4. Learned counsel for the petitioner submits that in fact the petitioner had taken the victim with her consent and even the statement reflects that there was no force and she has gone on her own to marry the petitioner.

5. Learned Assistant Public Prosecutor submits that even assuming that there is a consent given by the victim, it is not valid as she is minor.

6. As seen from the remand report, the victim girl had accompanied this petitioner to Odisha where they exchanged garlands in a temple. Except stating that this petitioner was less than 18 years, the police have not collected any proof of her birth to substantiate that she is below 18 years. In the said circumstances, this petitioner/Accused can be granted the relief of bail subject to conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused is granted 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 **one local surety and one native surety** for a like sum each to the satisfaction of XIV Additional Metropolitan Magistrate, Cyberabad, Rajendranagar, Ranga Reddy District.

ii) The petitioner/Accused shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of two (02) months or until filing of charge sheet whichever is earlier.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 12.07.2022
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