

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.6249 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/Accused in Crime No.34 of 2022 on the file of Shankarampet (A) Police Station, Medak District, registered for the offences punishable under Sections 376(1) of Indian Penal Code and Section 3 and 4 of POCSO Act, 2012.

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

3. The petitioner is alleged to have committed rape on the victim girl who is aged 16 years. The victim girl and the petitioner who is aged 19 years belong to the same community. It is alleged in the complaint that three months prior to the complaint, the victim was forcibly raped by the petitioner. It is further alleged that the petitioner had induced the victim to have physical intimacy stating that he would marry and accordingly cheated her.

4. Learned Assistant Public Prosecutor submits that earlier bail applications before the Sessions Court were dismissed on the ground that the victim objected to grant of bail.

5. Learned Counsel for the petitioner submits that the petitioner is aged 19 years and according to the complaint for the reason of not marrying the victim girl, present complaint was lodged.

6. As seen from the record, the charge sheet is already filed and the learned Sessions Judge found that his release may result in threatening the witnesses for which reason bail was refused.

7. Since investigation is complete and in the peculiar facts and circumstances of the case wherein rape was reported nearly after three months of the alleged incident and the case is that the petitioner cheated the victim in the name of marriage, the bail application can be considered on imposing certain stringent conditions on the petitioner.

8. Accordingly, the Criminal is allowed and the petitioner/Accused is granted bail subject to the following conditions:

i) The petitioner/Accused shall execute personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of I Additional District and Sessions Judge, Medak at Sanga Reddy.

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, for the purpose of investigation.

iii) The petitioner/Accused shall not in any manner try to contact the victim or her family members. Failing which, the police are at liberty to file application for cancellation of bail.

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

12. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 22.07.2022
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.22.07.2022

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