

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.6869 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.442 of 2022 on the file of Station House Officer, Pet Basheerabad Police Station, Cyberabad registered for the offences punishable under Sections 366 and 376(2)(n) of Indian Penal Code and Section 5(I) read with Section 6 of POCSO Act, 2012.

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

3. The facts of the case are that this petitioner and the victim girl who is aged around 17 years were acquainted with one another and used to chat on mobile phone which was presented by this petitioner to the victim girl. The said conversation used to happen on a daily basis and the petitioner allegedly promised her to marry her inspite of he being married and having two children. The petitioner took the victim girl to his room had sexual intercourse

with the victim girl and on 01.06.2022 the petitioner took the victim girl to his sister's residence and had sexual intercourse with her for two days from 08.06.2022. Though the petitioner promised to marry her, he stated that the situation was not in his favour and refused to marry the victim girl, for which reason, the present complaint was filed.

4. Learned counsel for the petitioner submits that the petitioner is in jail since 13.06.2022 and material part of the investigation is complete except filing the charge sheet.

5. On the other hand learned Assistant Public Prosecutor opposes the bail application stating that the victim is aged less than 18 years and this petitioner had sexual intercourse with the victim girl on the promise of marriage.

6. Keeping in view the detention of the petitioner since 13.06.2022 and the earlier friendship between the petitioner and the victim girl, the petitioner/Accused can be granted the relief of regular bail.

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 personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of XXII Additional Metropolitan Magistrate, Cyberabad at Medchal.
- 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 three (03) months or until filing of charge sheet whichever is earlier.
- iii) The petitioner/Accused shall not in any manner contact either the victim girl or the family members of the victim, failing which the prosecution is at liberty to move for cancellation of bail granted to this petitioner/Accused.
- iv) 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: 30.08.2022
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