

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7375 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/A1 in Crime No.347 of 2022 on the file of Balapur Police Station, Vanasthalipuram Division, Rachakonda Commissionerate, registered for the offences punishable under Sections 366, 376, 376(2)(n) of Indian Penal Code and Section 3 read with 4 & 5 read with 6 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 case of the prosecution is that the petitioner and the *defacto* complainant who is aged 17 years loved each other and that the *defacto* complainant along with her cousin went to the farm house along with the petitioner and another person. According to the statement they stayed overnight in the said premises and came back. During the night the petitioner had sex with the *defacto* complainant on the promise of marriage.

4. Learned Counsel for the petitioner submits that notice was given to the *defacto* complainant and that before the Sessions Court the victim reported no objection for grant of bail to this petitioner, however, the learned Sessions Judge refused to grant bail.

5. On the other hand learned Assistant Public Prosecutor submits that two girls i.e. victim and her cousin had gone to the farm house and there, this petitioner and another person had sexual intercourse with the victim, and as such, bail cannot be granted to this petitioner.

6. As seen from the complaint, the victim girl went along with the petitioner on her own volition and no force had been used upon this petitioner to attract the alleged offences. As seen from the averments in the complaint, the victim accompanied the petitioner along with her cousin and even according to her they were in love and wanted to marry.

7. In the said circumstances this petitioner who is in jail since 02.07.2022 can be granted bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A1 is granted bail subject to the following conditions:

i) The petitioner/A1 shall execute 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 I Additional Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar.

ii) The petitioner/A1, after release shall not in any manner try to contact either the *defacto* complainant or her parents, failing which, the police are at liberty to seek cancellation of bail.

iii) After release the petitioner/A1 shall appear before the concerned Station House Officer, every Monday, between 10.00

A.M. to 1.00 P.M. for a period of eight weeks, for the purpose of investigation.

iv) The petitioner/A1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 25.08.2022
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.25.08.2022

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