

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.10006 of 2021

ORDER:

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner/A.2 in the event of his arrest in connection with Crime No.33 of 2021 of Hussainialam Police Station, Hyderabad, registered for the offences punishable under Section 354 A of the Indian Penal Code and Section 7 read with 8 of the POCSO Act.

2. A report was lodged by the *de facto* complainant stating that she is staying with her mother along with her sister at Moosabowli. About three years back, they used to stay with her grandparents' house at Quzipura, Shalibanda. At that time, her father's brothers viz., ,Khaja Arif Uddin and Khaja Aleem Uddin, touched her private parts on breast, hips and also cradled her from the back side, their intention was very bad towards her. She informed about their behavior to her father, but he took it lightly and not taken any action against them. Later, the accused threatened her not to reveal the same anywhere. Now, it came to know that they are trying to sell her and her sister to somebody, the de-facto complainant lodged the complaint requesting the police to take necessary action. Basing on the said complaint, the present crime is registered.

3. Heard Mr. Mohd. Muzafferullah Khan, learned counsel, appearing on behalf of the petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the incident has happened about three years back. There were strained relations between the father and mother of the de facto complainant. Prior to this case, there

are two cases registered, one is F.I.R.No.40 of 2019 for the offence under Sections 448 and 354 of IPC against the mother of the de facto complainant on 16.02.2019 and another complaint registered as F.I.R.No.298 of 2020 for the offences under Sections 420, 468 and 471 of IPC against the mother of the de facto complainant on 04.11.2020. He submits that the father of the de facto complainant has given a complaint against his wife stating that she has forged his signature and obtained divorce. Learned counsel submits that in view of the strained relations between the father and mother of the de facto complainant, the petitioner has been implicated falsely in this case. Hence, the petitioner's case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that there are specific overt acts against the petitioner in the complaint itself. Therefore, the petitioner is not entitled for grant of pre-arrest bail.

6. Taking into consideration the fact that the incident took place about three years back and further taking into consideration the earlier complaints, this Court deems it appropriate to grant pre-arrest bail to the petitioner/A.2.

7. Accordingly, this Criminal Petition is allowed. Petitioner-Accused No.2 shall surrender before the Station House Officer, Hussainialam Police Station, Hyderabad, in connection with Crime No.33 of 2021 within one week from today and on such surrender and executing a personal bond for a sum Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

8. Consequently, miscellaneous applications pending, if any, shall stand closed.

3rd January, 2021.

sj

LALITHA KANNEGANTI, J