

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9192 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused in Crime No.71 of 2022 pending on the file of Station House Officer, Velpoor Police Station, Nizamabad District registered for the offences punishable under Sections 366, 376(1) of Indian Penal Code and Section 3 read with Section 4 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 brief facts of the case are that the mother of the victim filed a complaint on 09.07.2022 stating that when she came home, she found one person talking to her daughter and when she tried to apprehend him, he ran away and from the said date her daughter was missing. The said crime was registered under Section 363 of IPC. Thereafter, during the course of investigation, the victim girl along with her parents went to the police station on 20.08.2022 and

the victim girl narrated that the petitioner expressed his love for her and they went out and also married in a temple. After marriage, they had participated in sexual intercourse, thereafter, she came back home on 19.08.2022. Basing on the statement of victim girl, the sections of law was altered to Sections 366 and 376(1) of IPC and Section 3 read with Section 4 of POCSO Act.

4. As seen from the statement of the victim girl which was recorded under Section 164 Cr.P.C., she stated that she had gone with the petitioner and stayed with the petitioner for considerable time. The victim went with the petitioner on 09.07.2022 and though the statement of the victim was recorded on 20.08.2022, the petitioner was arrested on 19.09.2022.

5. In view of the peculiar circumstances in the present case, whereby in the statement of the victim girl, she stated that she had accompanied the petitioner on her own, the prayer for regular bail can be considered.

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

- i) The petitioner/Accused is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum, to the satisfaction of I Additional Sessions Judge at Nizamabad.
- ii) After release on bail, 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 eight (08) weeks and thereafter as and when required for the purpose of investigation.
- 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.

Date: 27.10.2022
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K.SURENDER, J