

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9618 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. 980 of 2022 pending on the file of Station House Officer, Uppal Police Station, Rachakonda Commissionerate registered for the offences punishable under Sections 376 (2)(n) of Indian Penal Code (for short "IPC") & Sections 3, 4, 6, 5 (J)(ii) & (i) of POCSO Act, 2012.

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

3. The case against the petitioner is that the Uppal Police has registered the present crime on the basis of a complaint which was received from the Kadavanthara Police Station, Kerala State. The Kerala Police registered the said crime when the victim girl went to the Doctor complaining about stomach pain and the Doctor found that she was pregnant. On enquiry, it was revealed that the victim girl was acquainted with this petitioner and they had physical

relation prior to her going to Kerala to Study German language. Though the case was registered by the Kerala Police, the same was transferred to Uppal Police Station.

4. The learned counsel for the petitioner further submits that there was no complaint either by the victim or any of her family members against the petitioner. However, since the Doctor found that the girl was pregnant filed complaint before the Kerala Police for which reasons, the present petitioner is now accused in the present case. He further submits that even according to her aadhaar card, SSC public examination hall ticket, she is a major by the date of registration of the complaint and according to the documents, her date of birth is 11.06.2004. Further, the victim girl was also examined under Section 164 CrPC.

5. Since, there was no complaint admittedly either from the victim or their relatives, the petitioner who is now in jail can be considered for being released on conditions.

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 the VI Additional Metropolitan Magistrate, Medchal, Malkajgiri District at L.B Nagar.

ii) After release on bail, the petitioner/Accused shall appear before the concerned police station on every Monday between 10.00 A.M to 1.00 P.M, 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.

K.SURENDER, J

Date: 08.11.2022
PKR