

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2418 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners – accused No.2 and the child in conflict with law under Section 438 of Cr.P.C. to grant bail in the event of their arrest in connection with Crime No.61 of 2023 of Musheerabad Police Station registered for the offences under Sections 354D, 506, 384 read with Section 109 of IPC and Section 11 read with Section 12 of POCSO Act, 2012.

2. The case of the prosecution in brief was that on 05-02-2023 at 12:30 hrs, the defacto complainant aged about 16 years studying X class lodged a report before the Police stating that in the year 2020 while she was making videos in Tik-tok, she got acquainted with the petitioner No.2 herein (the child in conflict with law). They both exchanged their mobile numbers and used to talk regularly over phone. The petitioner No.2 was studying IX class at that time and they used to meet outside also. After that, the brother of petitioner No.2 by name, Akhil (accused No.1) took her mobile number from petitioner No.2 and started messaging her in WhatsApp and tried to talk with her over phone and threatened to love him. Whenever she went outside with the petitioner

No.2, Akhil also used to come and he forcefully used to take pictures with her and threatened her to talk with him daily over phone, otherwise he would come to school and pour acid on her. The complainant further stated that when she stopped talking with Accused No.1, his mother, Sandhya i.e., petitioner No.1 herein – accused No.2 called her over phone and stated that if anything happened to her son, she would book a case against her. Accused No.1 also threatened her with dire consequences and took one pair of earrings from her and also asked her to bring money from her home so that he could buy a bike. He used to login her WhatsApp and he used to send messages to his mobile, as if she was sending messages to him and also asked her to login to his instagram account by giving his login ID and he used to send messages through the said ID. Both the petitioners also used to support accused No.1. Due to his harassment, she could not attend the school. By informing the same to her mother, she lodged the complaint.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

4. The learned counsel for the petitioners submitted that the offences under Sections 354D, 506, 384 read with Section 109 of IPC and Section 11 read with Section 12 of POCSO Act were not applicable

to the petitioners. The petitioner No.2 was studying B.Com. at present and if the petitioner No.2 was arrested, she would not be able to attend to her exams and her future would be spoiled. As per the remand report of the accused No.1, the entire investigation was completed except filing the charge sheet and prayed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that the bail petition filed by the petitioners was once dismissed by the XII Additional Metropolitan Sessions Judge at Hyderabad on 20.02.2023. Accused No.1 was arrested on 06.02.2023. The offences involved were under the POCSO Act and prayed to dismiss the petition.

6. Perused the record. Considering that there were no specific allegations made against the petitioners attracting the offences under POCSO Act or other offences under Sections 354D, 506, 384 read with Section 109 of IPC and that the petitioners were women and the petitioner No.2 was a student, who was also a minor, it is considered fit to grant anticipatory bail to the petitioners.

7. In the result, the Criminal Petition is allowed and the petitioners are granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioners are directed to surrender before the SHO of Musheerabad Police Station within a period of fifteen (15) days from the date of this order, and on such surrender the SHO, Musheerabad Police Station shall release the petitioners on bail on their executing a personal bond for a sum of Rs.20,000/- with two sureties each for the like sum to the satisfaction of the SHO.
- (ii) They are further directed to co-operate with the investigating agency and should appear before them as and when required.
- (iii) The petitioners shall comply with the conditions laid down in Section 438(2) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE G. RADHA RANI

April 06, 2023

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Date: 06.04.2023

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