

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5203 OF 2023

ORDER :

1. This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.2 in Crime No.683 of 2023 of Meerpet Police Station, Rachakonda. The offences alleged against the petitioner are under Sections 370A, 342 and 506 of Indian Penal Code and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1986.

2. The sum and substance of case of the prosecution is that the victim who is the daughter of Accused No.1 lodged a complaint stating that her mother and Accused No.2 who is the son of her mother's own sister were allegedly forced her to do prostitution. The first force was done in the month of January, 2023. Subsequently, this was being continued. The last incident was occurred on 23.04.2023. In the said circumstances, the present complaint has been filed.

3. The contention of the learned counsel for the petitioner is that this case is a counter blast to the notice issued by the petitioner to the concerned police complaining about the harassment of the police, with regard to the crime registered against the sister of the complainant herein for marrying second, to the husband of the petitioner's sister. It is further contended that this complaint was lodged subsequent to the notice. Further there is a delay in lodging the complaint.

4. Learned Additional Public Prosecutor opposed the bail application.

5. As seen from the material on record, the legal notice was issued to the present police station on 04.05.2023 complaining interference of police in respect of crime registered by the women police station, at the instance of sister of the petitioner. Further, there is no material that this complaint was lodged prior to the legal notice, so that the police have called the victim for justification. Apart

from that the alleged incident of forcing the woman to commit prostitution was done in the month of January, 2023. Though the same is being allegedly continued but there is a delay with regard to the first incident. Further, the petitioner is not completely confined, she herself does the private employment. There is a scope for her to complain earlier if really, there was trafficking and forcing her to do the sexual act.

6. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner-accused No.2.

7. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

- (i) The petitioner-accused No.2 is enlarged on bail in the event of his arrest in connection with FIR No.683 of 2023 on the file of the Station House Officer, Meerpet Police Station, Rachakonda on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

- (ii) The petitioner-accused No.2 shall appear before the Station House Officer, Meerpet Police Station, Rachakonda on every Saturday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioner-accused No.2 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

28.06.2023
pld/ns

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Date: 28.06.2023

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