

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5480 OF 2023

ORDER:

1. This petition is filed seeking to grant regular bail under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is sole accused in Crime No.431 of 2022 of RGI Airport Police Station, Cyberabad. The offences alleged against the petitioner are under Sections 366-A, 376(2)(n) and 496 of Indian Penal Code and Section 5 read with Section 6 of POCSO Act.
2. The sum and substance of case of the prosecution is that in the absence of parents of victim who is minor, the petitioner allegedly eloped the victim in the name of love and shifted to various places and committed sexual assault on the victim. It is the allegation is that by kidnapping the victim, the petitioner has committed the offence of sexual assault.
3. The contention of the learned counsel for the petitioner is that the victim now became major and she is staying with him and his parents.
4. Learned Additional Public Prosecutor opposed the bail application.

5. The claim made by the petitioner that the victim is staying with him itself is the ground to reject the bail, since there is a chance of influencing the victim and to tamper the evidence. However, the petitioner undertook that he shall not have the company of the victim, till the trial is completed. It is also stated that they will not allow the victim to enter into their house.

6. Considering the background of the facts and the oral undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner - accused on certain terms and conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-accused shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the XIV Additional Metropolitan Magistrate, Rajendranagar, Cyberabad.

- (ii) The petitioner - accused shall not have the company of the victim at any place including his own house and shall not allow the victim to enter into their house or his relatives' house, till the trial is completed.
- (iii) If any conditions are violated, the prosecution or victim's family entitled to make an application for cancellation of bail granted to the petitioner.
- (iv) The petitioner-accused shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigation agency. He shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

28.06.2023
pld/ns

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