

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5607 OF 2023

ORDER :

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioner, who is sole accused in Crime No.39 of 2023 of Basheerabad Police Station, Vikarabad District. The offence alleged against the petitioner is under Section 354A of the Indian Penal Code and Section 11 read with Section 12 of POCSO Act.

2. The sum and substance of case of the prosecution is that on 24.10.2022 the accused who is the husband of the warden allegedly outraged the modesty of a girl of X class by trying to give kiss in the office of warden. The complaint was lodged on 09.04.2023 nearly after more than six months.

3. The contention of the learned counsel for the petitioner is that the complaint has been lodged at the behest of reporters of news papers for not accepting their

demand of paying money and basing on such publication, the wife of the petitioner was transferred on 08.04.2023. The present complaint was lodged on 09.04.2023. It is also contended that the petitioner is 100% blind and he is a bank employee.

4. Learned Additional Public Prosecutor opposed the bail application.

5. It is not in dispute that on 08.04.2023 a news paper item was published against the wife of the present petitioner; as a result, she was transferred vide proceedings dated 11.04.2023 and the present complaint was lodged on 09.04.2023. The alleged offence is on 24.10.2022 and there is an inordinate delay in lodging the complaint.

6. Considering the background in which the wife of the petitioner is transferred; the delay in lodging the complaint and the physical disability of the present petitioner, the benefit of bail can be extended to the petitioner - accused.

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

- (i) The petitioner-accused is enlarged on bail in the event of his arrest in connection with FIR No.39 of 2023 on the file of the Station House Officer, Basheerabad Police Station, Vikarabad District 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 shall appear before the Station House Officer, Basheerabad Police Station, Vikarabad District on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioner-accused 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

Date: 03.07.2023
pld/ns

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