

THE HON'BLE SRI JUSTICE M.LAXMAN
CRIMINAL PETITION No.5698 of 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C) seeking to grant regular bail to the petitioner, who is arrayed as accused No.3 in S.C.No.188 of 2023 of Court of learned Special Judge for Trial and Disposal of Rape and POCSO Act Cases, Medchal, Malkajgiri District. The offences alleged against the petitioner are under Sections 354A of Indian Penal Code and Section 8 of Protection Of Children from Sexual Offences Act, 2012.

2. Learned counsel for the petitioner stated that serious allegations are made against accused No.1, who is the father of the present petitioner/accused No.3 and he was enlarged on bail granted by the Court below. Further, he stated that the petitioner stand is on different footing and allegations against the petitioner/accused No.3 are not much serious than allegations made against accused No.1 and therefore, he stated that the petitioner is also entitled for enlargement on bail.

3. Learned Additional Public Prosecutor appearing for respondents opposed to grant bail to the petitioner.

4. Heard the learned counsel on either side and perused the material placed on record.

5. Considering the fact that accused No.1 enlarged on bail and also considering the nature of the charges alleged against the petitioner, which are less serious than the charges framed against accused No.1, this Court is inclined to grant bail the petitioner/accused No.3 on certain terms and conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.3 shall be released on bail on the following terms and conditions:

(i) The petitioner/accused No.3 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 learned I Additional District and Sessions Judge - cum - Metropolitan Sessions Judge - cum - Fast Track Special Judge for Trial and Disposal of Rape and POCSO Act Cases, Medchal-Malkajgiri District at Malkajgiri.

(ii) The petitioner/accused No.3 shall not directly or indirectly influence or make any witnesses or complainant.

(iii) The petitioner/accused No.3 shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioner is involved in similar type of offences in future, the bail

granted to him shall automatically stands cancelled and he shall be taken into custody forthwith.

(iv) The petitioner/accused No.3 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.

11.07.2023
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