

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6096 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 petitioners who are arrayed as accused Nos.1 to 4 in Crime No.189 of 2022 of Kadthal Police Station, Ranga Reddy District. The offences alleged against the petitioners are under Sections 363, 376(2)(i)(n) and 109 of the Indian Penal Code and Section 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The sum and substance of case of the prosecution is that the victim is aged 15 years and she is pursuing intermediate. Accused No.1 is working as AC mechanic at Film City, Hyderabad. Accused No.1 allegedly enticed the victim with the help of accused No.2 and he married the victim in Maisamma Temple at Abdullapurmet. Later, accused No.1 took the victim to various places and allegedly committed sexual assault on the victim. On 28.05.2023, the victim and accused No.1 went to Ibrahimpatnam police station, and Ibrahimpatnam police

informed the same to Kadthal police, by the time of arrival of Kadthal police, accused No.1 escaped from the police station.

3. Heard learned counsel for the petitioners - accused Nos.1 to 4 and learned Additional Public Prosecutor for the respondent - State.

4. On perusal of the material on record, petitioners - accused Nos.2 to 4 allegedly assisted enticement of the minor - victim and they only assisted in performance of marriage of victim and accused No.1. It is the accused No.1 who allegedly committed rape on the victim by moving from one place to other places. Except the allegation of assisting accused No.1 in performing the marriage, there is no allegation against the petitioners - accused Nos.2 to 4. Therefore, this Court is inclined to consider the request of petitioners - accused Nos.2 to 4.

5. Since there is a sexual exploitation, this Court is not inclined to consider the request of petitioner - accused No.1.

6. Accordingly, the Criminal Petition is partly allowed and petitioners - accused Nos.2 to 4 are granted bail on the following terms and conditions:

- (i) The petitioners-accused Nos.2 to 4 shall be released on bail on their executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of Judicial First Class Magistrate at Amangal, Ranga Reddy District.
- (ii) The petitioners-accused Nos.2 to 4 shall appear before the Station House Officer, Kadthal Police Station, Ranga Reddy District on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioners-accused Nos.2 to 4 shall not directly or indirectly influence or make any witnesses or complainant.
- (iv) The petitioners-accused Nos.2 to 4 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigation agency. They shall not in any manner which will be prejudicial to fair and expeditious investigation.

7. So far as petitioner - Accused No.1 is concerned, the criminal petition is dismissed.

JUSTICE M. LAXMAN

Date: 13.07.2023
ns/sa

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