

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7371 OF 2023****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner/Accused in Crime No.930 of 2022, on the file of Banjara Hills Police Station, Hyderabad, registered for the offences under Sections 366-A, 376 (2) (n) of IPC and Section 5(1) r/w. Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short ‘the POCSO Act’).
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The case of the Banjara Hills Police is that a complaint was received from the mother of the victim on 12.11.2022 that her daughter who is a minor was missing. Though they searched for her everywhere, whereabouts were not known. The Police during the course of investigation, arrested this petitioner on

18.05.2023. The victim stated that she knew this petitioner and on 11.11.2022, petitioner and the victim went to Secunderabad Railway Station, from there to Guntur by train. Two days, thereafter they returned to Hyderabad from Guntur and stayed at Hayathnagar in a friend's house and later got married in Anjaneya swamy temple. After the said marriage, they have taken a room on rent and were staying there.

4. Learned counsel appearing for the petitioner would submit that even according to the statement of the victim she was staying along with the petitioner on her own for nearly 6 months prior to petitioner being arrested. From the facts, it can be safely inferred that their relationship is consensual.

5. On the other hand, learned Additional Public Prosecutor would submit that the age of the victim girl was determined by medical expert, who opined that she is aged around 16-17 years.

6. As seen from the circumstances, it appears that the victim girl had gone with the petitioner on her own without any coercion. However, keeping in view that benefit of error of plus or minus two years regarding age can given, this Court deems it appropriate to grant relief of regular bail to this petitioner subject to following conditions:

- i) The petitioner/Accused shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
- ii) The petitioner/Accused after release shall appear before the Station House Officer, Banjara Hills Police Station everyday for a period of eight weeks or until charge sheet is filed, whichever is earlier.
- iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 14.08.2023
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Dt.14.08.2023

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