

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.7534 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 S.C.No.551 of 2018, on the file of Fast Track Special Court for Expeditious Trial and disposal of Rape and POCSO Act Cases, Ranga Reddy District, L.B.Nagar, registered for the offences under Section 376 (n) (2) of IPC and Section 4 of the protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioner is questioning the cancellation of bail by the Special Court vide order dated 03.08.2023.
4. The case against the petitioner is committing rape on the victim girl/P.W.1. The victim girl was examined in

chief on 23.08.2022, thereafter, she was cross-examined on 11.04.2023. It is alleged that after her deposition before the Court, she went to the Police station and lodged a complaint alleging that this petitioner had threatened her prior to coming to the Court asking her to depose in his favour.

5. Learned counsel for the petitioner would submit that cross-examination was taken up on 11.04.2023 and in her cross-examination she did not state anything about alleged threat by the petitioner/accused. Neither any complaint was filed before the Sessions Court regarding the said threat. However, since P.W.10, who was examined on the same day turned hostile to the prosecution case, a false complaint was made in the evening before the Police Station.

6. Learned Additional Public Prosecutor on instructions would submit that for the reason of threatening the witnesses, FIR was registered and

investigation was taken up. For the said reason, learned Sessions Judge is proper in cancelling the bail.

7. The charge sheet was filed in the year, 2018. The petitioner was granted bail and was on bail pending trial. The chief examination was completed on 23.08.2022. No complaint was given at any point of time over the past five years regarding any king of threat by the petitioner. Even on the day when P.W.1 was cross-examined, which is on 11.04.2023, no complaint was made either to the Presiding Officer or to the Police or the Public Prosecutor in the Court.

8. It is the law that once a bail is cancelled, unless there are compelling circumstances, the Court cannot cancel the bail in a mechanical manner. As seen from the record, the alleged threatening was on 11.04.2023 and the bail was cancelled on 03.08.2023 when the case was coming up for examination under Section 313 Cr.P.C. By the date of passing of orders, entire evidence was complete. As stated, there was no complaint by

P.W.1 while she was deposing before the Court. In the said circumstances, the petitioner can be granted relief of regular bail subject to following conditions:

- i) The petitioner/Accused shall execute personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with one surety for a like sum each to the satisfaction of Fast Track Special Court for Expeditious Trial and disposal of Rape and POCSO Act Cases, Ranga Reddy District, L.B.Nagar.
- ii) The petitioner/Accused after release shall appear before the concerned Court on every date of hearing.
- iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

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

K.SURENDER, J

Date: 17.08.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.17.08.2023

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