

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7849 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.286 of 2023 on the file of Balanagar Police Station, Cyberabad, registered for the offences under Sections 366, 376 (3) of IPC and Section 3 r/w. Section 4 of 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 was arrested on 21.07.2023 and remanded to judicial custody. The case of the *de-facto* complainant is that his minor daughter went along with her brother and was not found on 15.06.2023. The same day, he lodged a complaint stating that she went to a shop and from there she did not return home. On the basis of

the complaint, F.I.R. was registered under Section 363 of IPC and investigation was taken up.

4. It is the case of the victim girl that she went along with her brother to a shop and from there she went on a bike with the petitioner who had earlier acquaintance with the victim girl. They used to talk frequently on phone with the victim girl while she was staying in her grandmother's house. On the said day, the petitioner had texted her to come to a park. Both of them chatted for some time and from there they went to Charminar and Tank Bund area. It is alleged that the petitioner forcefully had sexual intercourse with the victim girl and dropped her back at the house on 16.06.2023.

5. Learned Additional Public Prosecutor had produced medical record and in the said medical record, there are no external injuries that were found. In fact, at paragraph No.9, it is stated that the victim girl was involved with the accused sexually in the name of love and marriage. Since there is no evidence regarding forceful intercourse nor any evidence was found on the wearing apparel of the victim

girl, this Court in the facts of the case deems it appropriate to grant the relief of regular bail to the petitioner more so for the reason of investigation being almost complete, 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 XIII Additional Metropolitan Magistrate at Kukatpally, Cyberabad.
- ii) The petitioner/Accused after release shall appear before the concerned Station House Officer on every Monday and Wednesday at 10:00 a.m. for a period of eight weeks and thereafter, as and when required for the purpose of investigation.
- iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

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

Date: 24.08.2023
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K.SURENDER, J