

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8003 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 No.3 in Crime.No.231 of 2023 on the file of Punjagutta Police Station, Hyderabad, registered for the offences under Sections 406, 417, 420, 506, 494 and 323 r/w. 109 of IPC, 75 & 77 r/w. 87 Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 12 of POCSO Act.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. Briefly, the case of the *de-facto* complainant is that A-1 is his wife and she was having illegal affair with A-2. They have a child, who is a special child suffering from autistic disabilities. In the complaint filed on 31.03.2023, the father of the child made allegations that

the mother/A-1 was not taking care of the special child. In fact, several acts of beating and insulting the child were committed by A-1 and A-2. This petitioner, who is an employee of A-1 also has committed the said acts of making the child naked and causing sufferance to the child, which was recorded in CC TV in the office. However, the said CC TV footage was destroyed according to the complainant.

4. Learned counsel appearing for the *de-facto* complainant would submit that all these acts which are cruel in nature were inflicted on a child, who was suffering from Autism. A-1 absconded to Australia and A-2 is still absconding. For the said reason, the petitioner should be denied bail.

5. As seen from the complaint, the allegation against this petitioner is that A-1 had given the responsibility of taking care of the special child. She had also inflicted injuries on the special child. Because of such in proper behavior and hurting the child, the child started

misbehaving inappropriately in the public. The allegation against this petitioner is under Section 12 of the POCSO Act, which is punishable upto three years. The petitioner is in jail since 01.07.2023. According to the remand report, the major part of the investigation is complete. In the said circumstances, this petitioner can be granted the relief of regular bail, subject to following conditions:

- i) The petitioner/Accused No.3 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of XII Additional Metropolitan Sessions Judge, Hyderabad.
- ii) The petitioner/Accused No.3 after release shall appear before the concerned Station House Officer at 10:00 a.m. everyday for a period of three weeks and thereafter, as and when required for the purpose of investigation.
- iii) The petitioner/Accused No.3 shall surrender his Passport before the concerned Police and shall not leave the country without prior permission.

(iv) The petitioner/Accused No.3 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date: 29.08.2023
dv

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 8003 OF 2023

Dt.29.08.2023

dv