

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 8768 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in connection with Crime No.438 of 2023 dated 01.08.2023 on the file of Subedari Police Station, Hanumakonda registered for the offences punishable under Sections 7 read with 8, 9(m), 9(n) read with Section 10 of Protection of Children from Sexual Offences Act-2012.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The defacto complainant who is the mother of the victim filed present complaint against the petitioner who is her husband and father of the victim. In the complaint, she alleged that she is having differences with her husband. However, in accordance with the visitation nights by this Court, the child was taken by the

petitioner herein on 28.07.2023 at about 05:00 P.M. After the child was sent back to the *de facto* complainant/mother and when she questioned the child about the pain near genitals and near anus, the child complained that this petitioner who is his father had scratched him near penis with nail resulting in pain.

4. Learned counsel for the petitioner would submit that the wife on account of the disputes between the spouses has been making false allegations. In fact, the father/petitioner herein has filed a complaint with police on 29.11.2022 stating that the boy was subjected to sexual abuse.

5. Keeping in view, the differences between spouses and both wife and husband making allegations against one another this Court deems it appropriate to grant relief of anticipatory bail subject to the following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Subedari

Police Station, Hanumakonda on 29.09.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to his satisfaction.

- 2) On such release, the petitioner/Accused shall appear before the concerned police everyday for a period of two weeks and thereafter, as and when required for the purpose of investigation.
- 3) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

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

Date : 25.09.2023
dsv/ds

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8768 of 2023
Dt.25.09.2023

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