

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10406 of 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.3 seeking bail in the event of her arrest in connection with Crime.No.79 of 2023 on the file of Chinnagudur Police Station, Mahabubabad District, registered for the offences under Sections 366, 366-A, 376 (2) (n) of IPC and Section 5 r/w. Section 6 r/w. Section 17 of the POCSO Act.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. The victim's father lodged a complaint alleging that his daughter had gone missing, who was aged around 17 years. The *de-facto* complainant expressed doubt on A-1 that he was responsible for kidnapping his daughter. During the course of investigation, it was found that A-1 used to follow the victim girl wherever she went and used to threaten her. In the absence of the parents of the victim girl, A-1 went to the house and threatened to kill her. On 12.09.2023, when she went to the School, she suffered with headache and wrote a leave letter to the Teacher and on her request, a phone call was made by the

Teacher asking her father to come. At around 2:00 p.m., A-1 went to her house and forcibly took her to Mahabubabad on his bike and parked his bike near Mahabubabad Railway Station. Thereafter, he got her into Intercity train and took to Secunderabad and then to BN Reddy Colony and kept her at OIYO Hotel for the night. At that time, A-1 had sexual intercourse with her. Next day, A-1 and the victim girl went to the house of the petitioner who is maternal Aunt of A-1. They stayed there for one day and at the point of time also, it is alleged that A-1 had sexual intercourse with the victim girl. Even according to the remand report of A-1, none of the allegations of abduction and rape are applicable to this petitioner.

4. Petitioner being a public servant and the only allegation against her is that she permitted A-1 and the victim girl to stay in her house for one day, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioner, subject to following conditions:-

- 1) The petitioner/Accused No.3 is directed to surrender before the Station House Officer, Chinnagudur Police Station, Mahbubabad District, on or before 30.10.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on her executing personal bond for a sum of Rs.25,000/-

(Rupees Twenty five thousand only) with two sureties for a like sum each to his satisfaction.

- 2) On such release, petitioner/Accused No.3 shall appear before the concerned Station House Officer for the purpose of investigation, as and when required.
- 3) The petitioner/Accused No.3 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.

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

Date : 18.10.2023
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K.SURENDER, J

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CRIMINAL PETITION No.10406 of 2023
Dt.18.10.2023

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