

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11650 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.840 of 2023, on the file of P.S., Hayathnagar, Ranga Reddy District, registered for the offences punishable under Sections 363, 376(2)(n) of IPC, Section 5 r/w 6 of POCSO Act, 2012 and Section 10 r/w 11 of Child Marriage Act.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The case against the petitioner is that the victim girl and this petitioner are known to each other and also participated in sexual intercourse multiple times. The petitioner took the victim girl to a temple and tied yellow thread around her neck in front of Anjaneya Swamy idol and got married to her. The said marriage happened on 17.07.2023 and they were staying together. However, the police on 21.10.2023 caught hold of the victim and brought her back.

4. The learned counsel for the petitioner would submit that in fact, the victim girl is a major and on her own, she voluntarily left along with the petitioner and had consensual sex.

5. Both the father of the victim girl and her mother are present in the Court.

6. Since the prosecution could not specifically produce evidence regarding the age of the victim girl, the prayer for regular bail is considered on peculiar facts of the case, subject to the following conditions:

i) The petitioner/accused shall execute personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the XIV Addl. Metropolitan Magistrate at Hayathnagar.

ii) The petitioner/accused after release shall appear before the concerned Station House Officer on every Monday for a period of four (04) 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.

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

Date : 28.11.2023
gv1/pvt

K.SURENDER, J

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Dt.28.11.2023

gvl/pvt