

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11695 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 Golconda Police Station, Hyderabad, registered for the offences under Sections 354 of IPC and Section 7 r/w. 8 of POCSO Act, 2012.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The *de-facto* complainant is the mother of the victim. She lodged a complaint stating that she was married in the year, 2010 and had two children and thereafter she met this petitioner and married in the presence of family members, after he converted into muslim faith. He was harassing her for which reason complaint was filed. On 18.10.2023, he left the house and later came back and made fake promises to her. In the morning, while all were sleeping, at 3:00 a.m. on 19.10.2023 she felt some moving sensation and when she woke up, she found him touching her daughter's private parts. When confronted, the petitioner

requested not to tell anybody and he told her that he thought, it is *de-facto* complainant/wife.

4. The *de-facto* complainant/mother is present in the Court and has given instructions to the learned Additional Public Prosecutor.

5. Learned Additional Public Prosecutor states that the complaint is outcome of differences between spouses and she is not inclined to press the charges against the petitioner and also sought bail.

6. It is unfortunate to note that children are being used to file cases against one another.

7. However, keeping in view the circumstances, the relief of regular bail can be considered, subject to following conditions:-

i) The petitioner/Accused 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 the POCSO Court-Cum-XII Additional Metropolitan Sessions Judge, Nampally, Hyderabad.

ii) The petitioner/Accused after release shall appear before the concerned Station House Officer at 10:00 a.m. everyday for a period of one week for the purpose of investigation and thereafter, as and when required.

(iii) The petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 05.12.2023
dv

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11695 of 2023
Dt.05.12.2023

dv