

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11808 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.72 of 2023 on the file of Urkonda Police Station, Nagarkurnool District, registered for the offences under Sections 376 (2) (i), 376 (2) (n) of IPC r/w. Section 5(l) r/w. Section 6 of PCOSO Act, 2012.

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

3. The mother of the victim girl lodged a complaint alleging that she noticed her daughter's abdomen swollen abnormally. Suspecting the same, she was taken for medical checkup, wherein it was found that her daughter was six months pregnant. On enquiry, it was informed that this petitioner used to have sexual intercourse with the victim girl stating that he would marry her. Though the said fact was known to the parents, they did not take any action.

4. Learned counsel for the petitioner submits that the alleged victim is a major. Even according to the complaint, physical relationship was consensual.

5. On the other hand, learned Additional Public Prosecutor opposed the bail application stating that there is a threat of petitioner threatening the victim and further the victim girl is aged around 15 years, according to the complaint.

6. However, the fact that investigation is complete and charge sheet is already filed is not disputed.

7. Keeping in view that the petitioner is aged about 19 years and even according to the complaint there was never any complaint by the *de-facto* complainant over a period of time, though there was physical intimacy in between he petitioner and the victim girl, the relief of regular bail can be granted, subject to following conditions:-

i) The petitioner/Accused No.3 shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, for a like sum each to the satisfaction of the Judicial First Class Magistrate, Kalwakurthy.

ii) The petitioner/Accused No.3 after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of eight weeks

and thereafter, as and when required, for the purpose of investigation.

(iii) The petitioner/Accused No.3 shall in any manner try to contact either the victim girl or her relatives. Failing which, the Police are at liberty to seek cancellation of bail granted.

iv) The petitioner/Accused No.3 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 : 04.12.2023
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K.SURENDER, J

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Dt.04.12.2023

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