

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12037 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.1 in Crime.No.596 of 2023 on the file of Pahadishareef Police Station, Rachakonda, registered for the offences under Sections 366, 376(2) and 109 of IPC and Section 5 and 6 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 case against the petitioner is that the he had taken the victim girl who was aged around 17 years on 04.10.2023 to Bhopal. The said victim girl and the petitioner were friendly with one another previously. Further, according to the remand report, the petitioner eloped with the victim girl on 04.10.2023 and stayed at Bhopal. On 11.10.2023, whey they were roaming in and around Bhopal the Police arrested them and brought them back.

4. Learned counsel for the petitioner would submit that even according to opinion of the Doctor, who conducted ossification test, the victim age was determined as 17 years.

5. In view of the judgment of the Hon'ble Supreme Court, the age can be considered as plus two or minus two.

6. Keeping in view the present facts wherein the victim was friendly with the petitioner and subsequently it is alleged that they got married, the relief of regular bail can be considered subject to following conditions:-

i) The petitioner/Accused No.1 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 Principal Junior Civil Judge-Cum-Metropolitan Magistrate, Cyberabad at L.B.Nagar.

ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of four weeks for the purpose of investigation and thereafter, as and when required.]

(iii) The petitioner/Accused No.1 shall in any manner try to contact the victim girl or her relatives, the Police are at liberty to seek cancellation of bail granted.

iv) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 11.12.2023
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K.SURENDER, J

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Dt.11.12.2023

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