

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12836 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.468 of 2023 on the file of Ameenpur Police Station, Sangareddy, registered for the offences under Sections 366, 376(2) of IPC and Sections 5 and 6 of POCSO Act, 2012 and Section 9 of Prevention 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 petitioner was arrested on the ground that he had taken the victim girl who is a minor, on 19.09.2023 and came back on 07.11.2023. During the said period, they stayed together and it is alleged that petitioner had sexual intercourse with the victim girl. Since the victim girl is aged around 17 years, it amounts to rape. For the said reason, the case which was initially registered under Section 363 of IPC was altered to Section 376(2) of IPC, Sections 5 and 6 of POCSO Act, and Section 9 of the Prevention of Child Marriage Act.

4. Learned counsel for the petitioner would submit that as seen from the remand report and the evidence collected during investigation, relation between the petitioner and the victim girl appears to be consensual. In fact, they married and stayed together for a period of nearly 50 days.

5. Learned Additional Public Prosecutor opposed the bail application and further submitted that consent given by a minor girl is of no consequence.

6. As seen from the remand report, the petitioner and the victim girl, who is aged around 17 years stayed together from 19.08.2023 to 07.11.2023. In the said circumstances of the case, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

i) The petitioner/Accused 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 I Additional District and Sessions Judge, Sangareddy District.

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

iii) The petitioner/Accused 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 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 : 29.12.2023
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K.SURENDER, J

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Dt.29.12.2023

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