

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.11614 OF 2022

ORDER:

This Criminal Petition is filed by the petitioner/accused under Sections 437 and 439 of the Criminal Procedure Code seeking regular bail in Crime No.880 of 2022 of Station House Officer, Pet-Bhasheerbad Police Station, Cyberabad Commissionate registered for the offences punishable under Sections 366, 376 of the Indian Penal Code and Section 3 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Sri R Raja Shekar Naik, learned counsel for the petitioner/accused as well as Sri T.V. Ramana Rao, learned Additional Public Prosecutor for the Respondent / State and perused the record.

3. It is submitted by the learned counsel for the petitioner that the petitioner has been in judicial custody since 07.11.2022 and that the petitioner and the de-facto complainant are in love and intended to marry.

4. As seen from the record, the petitioner and victim were stated to be in love and the victim has allegedly given consent. However, the victim is admittedly not a major, hence even if she has given a consent it is not a free consent. The petitioner/accused is in judicial custody since 07.11.2022. Police have examined 13 witnesses including the victim and other material witnesses. Even according to the respondent/Police there is no apprehension that the petitioner will run away from the jurisdiction of this Court. There is also no complaint that the petitioner will influence other witnesses. Rest of the witnesses are official witnesses. Therefore, this Court of the opinion that no purpose would be served by lodging the petitioner in jail. Therefore, this is a fit case for grant of regular bail to the petitioner/accused on conditions.

5. Accordingly, the Criminal Petition is allowed and the petitioner / accused is granted bail subject to the following conditions:

i) The petitioner / accused is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two

sureties each for a like sum to the satisfaction of I Additional District & Sessions Judge-cum-Metropolitan Sessions Judge, Cyberabad at Medchal-Malkajgiri District at Malkajgiri.

ii) On such release, the petitioner/accused shall appear before the Station House Officer, Pet-Bhasheerbad Police Station, Cyberabad Commissionate on every Monday and Friday between 10:00 AM to 12:00 PM., for a period of eight (08) 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 the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

Date: 03-Jan-2023
KHRM

DR. D.NAGARJUN, J

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