

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1175 OF 2024

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.741 of 2023 on the file of KUC Police Station, Warangal, registered for the offences under Sections 290, 354-D, 509 and 506 of IPC and Section 3(l) (w) (i) (ii), 3 (2) (va) of SC/St (POA) Act, 1989 and Section 11 r/w. 12 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 allegation against this petitioner is that he used to misbehave with the students by making indecent gestures and also used nasty language and threatened the girls.

4. Learned counsel for the petitioner submits that the offences alleged against the petitioner are punishable upto 7 years. However, the guidelines and directions prescribed by the Hon'ble Supreme Court in ***Satender Kumar Antil v. Central Bureau of***

Investigation¹ and **Arnesh Kumar v. State of Bihar**² were not followed. In **Satender Kumar Antil's** case, the Hon'ble Supreme Court held that if the mandatory procedure under Section 41-A Cr.P.C. is not followed, the accused is entitled to be released immediately on bail.

5. Keeping in view the directions of the Hon'ble Supreme Court in the above said two judgments, 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.2,00,000/- (Rupees Two lakhs only) with two sureties, for a like sum each to the satisfaction of the Special Sessions Judge For Trial of Cases under the Protection of Children from Sexual Offences Act, (I Additional Sessions Judge, Hanumakonda).
- ii) The petitioner/Accused No.1 after release shall appear before concerned Station House Officer at 10:00 a.m. everyday for a period one month for the purpose of investigation and thereafter, as and when required.
- iii) The petitioner/Accused No.1 shall not enter the college premises.
- iv) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

¹ (2021) 10 SCC 733

² (2014) 8 SCC 273

6. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

Date : 02.02.2024
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K.SURENDER, J

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Dt.02.02.2024

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