

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1403 of 2024

ORDER:

This Criminal Petition is filed by the petitioners – A1 and A2 under Sections 437 and 439 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of regular bail in Crime No.441 of 2023 on the file of PS Bhupalapally, registered for the offences under Sections 324, 354(D), 455 and 506 read with Section 34 of IPC and Section 12 of Protection of Children from Sexual Offences Act (for short “POCSO” Act).

2. The case of the prosecution in brief was that on 30.09.2023 at 18:15 hours, the de-facto complainant i.e. the victim girl lodged a report before PS Bhupalapally stating that while she along with her friends were coming from college and going to their houses, three persons came on a bike and teased her. Due to fear, they informed their lecturer over phone. On receipt of phone call, the lecturer came there and asked about their acts, but the said three persons threatened him also. Earlier also, the three said persons came to their college and followed them by stalking. After reaching home, she narrated the incident to her brother Manikanta and when her brother asked them about stalking her and her friends, the said persons took her brother to a ground at Subash Colony and fisted under his eye and beat with a beer bottle on his head. After that her

brother came home and informed the same to her. In the meantime, the petitioners – A1 and A2 with an intention to hurt him, illegally trespassed into the house and bet her brother with hands and threatened that if he narrated the incident to anyone, they would see his end.

3. Basing on the said report, the Police registered the above crime for the offences under Sections 324, 354(D), 455 and 506 read with Section 34 of IPC and Section 12 of POCSO Act.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioners submitted that the petitioners were remanded to judicial custody on 30.09.2023 and they were in custody since then. The entire investigation was completed. Charge-sheet was also filed. A3 was released on bail and prayed to enlarge the petitioners – A1 and A2 on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that the offence under Section 455 of IPC was punishable with more than seven years of imprisonment.

7. Perused the record.

8. Considering that the entire investigation was completed and charge-sheet was also filed and the other accused A3 was also granted bail, it is considered fit to enlarge the petitioners – A1 and A2 on bail.

9. In the result, the Criminal Petition is allowed conditionally and the petitioners – A1 and A2 are directed to be released on bail subject to following conditions:

(i) The petitioners shall execute a personal bond for Rs.25,000/- each (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to the satisfaction of the Special Judge for Fast Track Special Court for Expeditious Trial & Disposal of Cases of Rape & Protection of Child Sexual Offences (POCSO) Act Cases, Jayashankar Bhupalapally.

(ii) The petitioners shall not approach the victim or her family members and if any adverse report was received against them, the bail granted is liable to be cancelled.

(iii) The petitioners shall comply with all the conditions stipulated under Section 437 (3) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition if any, shall stand closed.

Dr. G.RADHA RANI, J

**Date: 13th February, 2024
Nsk.**