

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2352 OF 2024

ORDER:

This criminal petition is filed by the petitioner – Accused No.3 under Section 438 Cr.P.C. for grant of anticipatory bail in Crime No.10 of 2024 on the file of Narayanapet Rural Police Station, Hyderabad, registered for the offences under Sections 376(3), 313 read with 109, 506 of IPC and section 5(1) read with 6 of POCSO Act, 2012.

2. The case of the prosecution in brief was that on 25.01.2024 at 09:30 hours, the mother of the victim girl lodged a report before the police stating that she was working in a hostel in Gachibowli, Hyderabad, her husband was running a tea stall in their village and her daughter, who was aged about 14 years was also residing with her husband. She was informed by her husband that her daughter was suffering from stomach pain. Her husband took her daughter to Ajay Bhavani Clinic at Kotakonda and the doctor did pregnancy test and stated that she was pregnant. When she enquired with her daughter, her daughter stated that she would tell her when she would return to the village and on 13.01.2024, when she went to

the village, her daughter stated that one Chukka Venkatesh had caused pregnancy and she lost her pregnancy as some tablets were given by Chukka Venkatesh (accused No.1) and his friends Krishna, Ramesh (petitioner herein) and Narsimulu. Basing on the said report, the above case was registered and accused No.1 was arrested on 07.02.2024.

3. Heard the learned counsel for the petitioner-Accused No.3 and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that the offences alleged would not attract to the petitioner. Even as per the complaint, the victim girl voluntarily took tablets, as such, Section 313 of IPC has no application and prayed to grant anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the victim was aged about 14 years and Section 109 of IPC was also there along with Section 313 of IPC. As such, the petitioner was also responsible for the offence under Section 313 read with 109 and prayed to dismiss the petition

filed by the petitioner.

6. Perused the record. Considering that the offences under Section 376(3) of IPC and Section 5(1) read with 6 of POCSO Act, 2012 were not applicable to the petitioner and as per the complaint, it was only alleged that the petitioner was the friend of accused No.1 and he accompanied accused No.1 to the house of the minor child when accused No.1 asked her to take tablets for undergoing abortion and for the applicability of Section 313 IPC, they have to cause miscarriage without the woman's consent, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner – accused No.3 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-Accused No.3 is directed to surrender before the Station House Officer, Narayanapet Rural Police Station, Hyderabad, within a period of (02) weeks from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail on his executing a 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 said Station House Officer.

- 2) The petitioner-Accused No.3 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:01.03.2024
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