

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2584 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner-Accused under Sections 437 & 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) to enlarge him on regular bail in the event of his arrest in Crime No.512 of 2023 of Suryapet II Town Police Station, registered for the offences punishable under Sections 363, 376(2)(n), 366 of IPC, Section 5(1) read with 6 of POCSO Act, Section 9 of Prohibition of Child Marriage Act, 2006 and Section 3(2)(v) of SCs & STs (POA) Act, 1989.

2. The case of the prosecution in brief was that on 04.12.2023 at 20.00 hours, the *de-facto* complainant, the uncle of the victim girl lodged a report stating that his brother’s daughter was staying at his house for the past two years and was studying. On 04.12.2023, in the morning hours, when he and his wife went to attend to their work, the victim girl left home stating that she was going to college and did not return home. When they tried to contact her on her mobile, it was switched off. They searched for her at the houses of her friends, relatives and in the surrounding areas and lodged a report. The same was registered as Crime No.512 of 2023 for the offence under Section 363 of IPC.

2.1. Subsequently, on 10.12.2023, the victim woman came along with the *de-facto* complainant and her statement was recorded at Bharosa center, Suryapet, wherein she stated that she got acquainted with the petitioner-accused through Instagram App and he used to contact her frequently on her mobile. One day, he sent a message to her stating that he liked her and that he loved her and wanted to marry her. After two weeks, she accepted his proposal and on 01.11.2023, he came to the bus stand, Suryapet town and sent a message to her. She went there on the pretext of going to the college. The petitioner-accused took her on his motor cycle to his rented room at Kodad made her to believe that he would marry her and forcibly exploited her by committing sexual intercourse and on the said evening he left her at bus stand, Suryapet town. On 04.12.2023, he came to the bus stand and took her to Kodad on his bike and they stayed there for two days. On 06.12.2023, in the morning hours, he took her on his bike and married her before the temple of Goddess (Ammavaru) by tying a nuptial thread around her neck and took a room on rent and stayed there in the room for two days. On 08.12.2023, in the evening, when they were going to Hyderabad from Khammam, after some distance, the uncle of the victim followed them. To escape from him, the petitioner drove his motor cycle speedily, as such, they slipped from the motor cycle and fell down. On 09.12.2023, on coming to know that a missing case was filed by her

uncle, she returned home. The petitioner-accused was arrested on 06.01.2024.

3. Heard learned counsel for the petitioner/accused and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the alleged offences would not apply to the petitioner, as the petitioner got married the women and further submitted that the petitioner was in custody since 06.01.2024, prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor contended that the petitioner committed the alleged offences against a minor, who was aged about 17 years 6 months and opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that the victim woman was aged about 17 years 6 months and was stated to be a student of degree first year and knowing fully well about the consequences of her act, she went along with the petitioner-accused with whom she got acquainted on the Instagram app and participated in sexual intercourse with him willingly by staying along with him in hotel rooms and as it is a case of consensual sexual adventurous

exploration by a teenage girl and boy in their adolescent age with no criminal intentions and the petitioner was stated to be in custody since 06.01.2024, it is considered fit to enlarge the petitioner on bail on certain conditions.

8. Accordingly, this Criminal Petition is allowed and the petitioner/Accused shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a likesum each to the satisfaction of the learned I Additional District and Sessions Judge at Suryapet.
- ii) The petitioner/Accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 20.03.2024

ss

Dr. G.RADHA RANI, J