

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2679 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner-Accused No.1 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.26 of 2024 of Garla Police Station, Mahabubabad District registered for the offence punishable under Section 363 of IPC initially, which was later altered to Sections 363, 366, 366-A, 376 of IPC and Section 3 read with 4 of POCSO Act, 2012.

2. The case of the prosecution in brief was that on 15.02.2024 at 05:20 hours, the *defacto*-complainant, the father of the victim girl lodged a report stating about the missing of his daughter aged about 17 years from his house and that he was suspecting the petitioner-accused with regard to the missing of his daughter. The police apprehended the accused from his house where he was found along with the victim on 19.02.2024.

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 both the

victim girl and accused were in love with each other and the victim herself called the accused to her house and gone along with him. Both of them were married on 15.02.2024. The petitioner was in custody since 19.02.2024 and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor contended that the petitioner-accused participated in sexual intercourse with the victim girl, when she was aged about 15 years only. As such, he was punishable for the offence under POCSO Act. He further contended that the petitioner-accused was also involved in Crime No.43 of 2022 for the offences under Sections 447, 354(A)(D) of IPC and Section 11 read with 12 of POCSO Act, 2012 and opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that this is a case of consensual sexual relationship between a teenage girl and the petitioner-accused and the alleged victim herself called the petitioner-accused to her house and eloped with him and both of them were alleged to have been married on 15.02.2024 and were living together along with the parents of the petitioner-accused herein and there was no element of deception, coercion or pressure and considering the comparative age of the victim and the accused, as there was no much age

difference between them and on seeing the conduct of the accused as he got married the girl and had taken her to his house and was living along with his parents and the offences alleged were perpetrated, when both the victim and accused were at an age of innocence and there was basic approval-in-fact, though not consent in law for the offences alleged, 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.20,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the learned Principal Judicial First Class Magistrate at Mahabubabad.
- 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.

Dr. G.RADHA RANI, J

Date: 12.03.2024

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