

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3281 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused under Sections 437 and 439 of Cr.P.C. for grant of bail in Crime No.39 of 2024 of Hanumkonda Police Station, Warangal District, registered for the offences punishable under Section 363 of IPC and Section 11 r/w 12 of Protection of Children from Sexual Offences Act (POCSO), 2012.

2. The case of the prosecution, in brief, was that on 22.01.2024 at 13:30 hours, the father of the victim girl lodged a report about missing of his daughter on 21.01.2024 after boarding her at Hanumkonda bus stand to go to Rudraram Village, where she was studying Polytechnic first year. He stated that when he telephoned to the hostel in the evening at 18:30 hours, he came to know that his daughter did not reach the hostel, as such he lodged the report. On 25.01.2024, the victim girl came to Hanumkonda Police Station and her statement was recorded by the police and on 27.01.2024, the petitioner/accused was arrested.

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

4. Learned counsel for the petitioner/accused submitted that the victim girl came to the petitioner at her own instance, the petitioner took her to his house but as his parents admonished him and asked him to drop her at her house, he sent her. As such, the offences under Section 363 of IPC as well as Section 11 of POCSO Act were not applicable to the petitioner/accused. He further submitted that the petitioner was in custody for the past 59 days and prayed to enlarge the petitioner/accused on bail.

5. Learned Additional Public Prosecutor on the other hand opposed grant of bail to the petitioner/accused.

6. Perused the record.

7. Considering the statements of both the victim girl and the petitioner/accused recorded by the police, which would disclose that the victim girl on her own contacted the petitioner on his mobile and informed the petitioner that she came to Patancheru and

the petitioner/accused took her to his house but not to any secluded place and introduced her to his parents and his parents and other relatives advised him that he could marry the girl after the marriages of his both elder brothers were performed and when the petitioner went to attend his plumbing work on 25.01.2024, the victim girl herself went to Hanumkonda Police Station on coming to know about the case lodged by her father about her missing and as the offences under Section 363 of IPC and Section 11 of POCSO Act pertaining to sexual harassment, do not *prima facie* appear to attract against the petitioner and as the petitioner was in custody since 27.01.2024, it is considered fit to enlarge the petitioner/accused on bail with certain conditions.

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

- 1) 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 like sum each to the satisfaction of the learned II Additional Judicial First Class Magistrate, Hanumkonda.

- 2) The petitioner/accused shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. G. RADHA RANI, J

Date: 27.03.2024
ssp