

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.4076 OF 2024

ORDER:

This Criminal Petition is filed, under Sections 437 and 439 of Cr.P.C., by the petitioner-accused No.3 for grant of bail in Crime No.93 of 2023 on the file of Police Station, Rudrur, Nizamabad District, registered for the offences punishable under Sections 364, 370(4), 302, 201 read with 34 of Indian Penal Code (for short 'IPC') and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'JJ Act').

2. The case of the prosecution, in brief, was that accused Nos.1 and 2, who were in a living relation were kidnapping children to gain money and accused No.3 asked accused Nos.1 and 2 to provide a child as his brother accused No.4 was not having children, for which accused Nos.1 and 2 decided to execute their plan by moving closely with the family members of deceased and took the deceased to forest of Biloli Village out skirts of Maharashtra State on the pretext of providing clothes and money and offered the husband of the deceased Deshidaru liquor and when he went to the deep sleep,

they argued with the deceased to give her boy child to them, but when she refused, then accused No.1 broke the liquor bottle and the accused No.2 caught hold her legs and after that A1 cut the throat of deceased with broken piece of liquor bottle and accused No.2 brought one boulder and thrown on her face and committed murder of the deceased and then they kidnapped the boy, who was aged three months, and sold to accused No.3 for an amount of Rs.1,00,000/- and took amount from him and accused No.3 in turn handed over the child to accused Nos.4 and 5.

3. Heard Sri S. Bhooma Goud, learned counsel for the petitioner-accused No.3 and the learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the offences under Sections 364, 370(4), 302, 201 read with 34 of IPC were not applicable to the petitioner herein except Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the same was punishable with imprisonment for less than five (05) years. The petitioner was taken into custody on 16.02.2024 and for the past 63 days, he was in jail. This application was fourth bail application

filed by the petitioner-accused No.3 and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner.

6. Perused the record. Considering the contents of the remand case diary of accused Nos.3 to 5 and as the petitioner was not concerned with the offences under Sections 364, 370(4), 302, 201 read with 34 of IPC and only Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 was applicable, which was punishable with imprisonment for less than five (05) years and as the petitioner was in custody since 16.02.2024, it is considered fit to enlarge the petitioner on bail.

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

- i) The petitioner-accused No.3 shall execute a personal bond for a sum of Rs. 50,000/- with two sureties for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate at Bodhan, Nizamabad District.

- ii) The petitioner-accused No.3 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: 23.04.2024
NDS/DSV

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