

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.4658 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to enlarge him on regular bail in Crime No.77 of 2024 of Kadthal Police Station, Cyberabad, registered for the offences punishable under Section 363 of Indian Penal Code (for short 'IPC') and during the course of investigation, Section of law was altered to Sections 366(A), 354 of IPC and Section 7 read with 8 of Protection of Children from Sexual Offences Act (for short 'POCSO Act').

2. The case of the prosecution in brief was that the petitioner/accused and victim girl are in love with each other and on 26.03.2024 at about 09:00 hours, the petitioner/accused and victim went to Yadagirigutta for getting married and due to late night hours, they postponed the marriage and stayed in family room along with other devotees at Yadagirigutta.

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

4. Learned counsel for the petitioner submitted that the victim girl voluntarily went to Yadagirigutta along with the petitioner/accused, as such, there are no specific allegations against the petitioner/accused to constitute offence under Sections 366(A), 354 of IPC and Section 7 read with 8 of POCSO Act. Hence, prayed the Court to enlarge the petitioner/accused on bail.

5. Learned Assistant Public Prosecutor submitted that victim girl is only 16 years minor girl, as such, her consent is not valid. Hence, he prayed the Court to dismiss the Criminal Petition.

6. Perused the record. The Statement of victim-girl recorded under Section 164 Cr.P.C. discloses that there is no physical relationship between the petitioner and the victim-girl voluntarily went along with the petitioner. Though the consent of the victim-girl is not a valid consent, as she is a minor, considering her statement as there is no physical relationship between the petitioner and victim-girl, it is a fit case to enlarge the petitioner on bail.

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

(i) The petitioner/accused shall execute a personal bond for Rs.30,000/- (Rupee Thirty Thousand Only) with two sureties for a like-sum each to the satisfaction of the Judicial Magistrate of First Class, Amangal, Ranga Reddy District.

(ii) The petitioner/accused shall comply with the conditions stipulated under Section 437(3) of Cr.P.C. and shall appear before the trial Court on all the dates when his presence is required.

Pending Miscellaneous Applications, if any, in this Criminal Petition, shall stand closed.

K.SUJANA, J