

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.4645 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.14 of 2024 of Damaragidda Police Station, Narayanpet District, registered for the offences punishable under Section 366 of Indian Penal Code and Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The case of the prosecution in brief was that on 30.01.2024 at about 6.00 PM, the petitioner/accused has kidnapped the victim girl from the lawful custody of her parents from her house on the pretext of love and marriage; took her to Hyderabad on his bike and on the next day i.e. 31.01.2024 morning hours, he took her to Yadagiri on his bike; kept her in a rented room with intend to procure her and seduce her for sexual intercourse.

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 earlier on the complaint of *de-facto* complainant in the present case, who is father of

victim-girl, a case in Crime No.117 of 2022 of Damaragidda Police Station, was registered against the petitioner/accused for the offences punishable under Sections 366-A, 376(3) I.P.C. and Section 5(1) read with Section 6 of POCSO Act and after completion of investigation, the Police filed charge-sheet before the concerned Court and the same is numbered as S.C.No.3 of 2023, on the file of the Court of learned Principal Sessions Judge, Narayanpet. Subsequently, after full-fledged trial, the said Sessions case ended in acquittal against the petitioner on 12.06.2023. Thereafter, the *de-facto* complainant kept silent for some time and on a personal grudge lodged the present complaint on false and frivolous allegations and there is no sexual relationship between the petitioner and the victim girl. Hence, prayed to enlarge the petitioner/accused on bail.

5. Learned Assistant Public Prosecutor submitted that after completion of investigation, the Police concerned have filed charge-sheet before the learned Additional Sessions Judge, Narayanpet and Sessions Case number is awaited.

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 and the victim went along with the petitioner on her own. 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 considered 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, Kosigi.

(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.

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

K.SUJANA, J

Date: 29.04.2024

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