

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5522 of 2024

ORDER:

This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking grant of regular bail.

2. The petitioner is accused No.1 in Crime No.92 of 2024 on the file of Medipally Police Station, Jagityal District for the offences under 363, 376 (1) read with 109 of IPC and Section 3, 4 and 17 of The Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i), 3(2)(V) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015.

3. I have heard Sri R. Nagarjuna Reddy, learned counsel for the petitioner and Sri S. Sudarshan, learned Additional Public Prosecutor for the Respondent - State.

4. The case of the prosecution in brief is that the petitioner has kidnapped the victim minor girl, who belongs to Scheduled Caste and committed rape on her.

5. Learned counsel for the petitioner denied the allegations and submits that the petitioner is innocent. Further, the petitioner and the victim girl were in relationship and this false case is foisted against the petitioner at the instance of relatives of the victim girl. Further, investigation has been completed and the charge sheet filed. That apart, the accused No.2, who said to have been helped the petitioner in the offence was enlarged on bail. Howsoever, the petitioner is ready to abide by any conditions that may be imposed and to cooperate with the judicial process. Hence, prayed for grant of bail.

6. Learned Additional Public Prosecutor opposed the bail application and submits that the petitioner is involved in grave offence. Further, the earlier application of the petitioner for bail has been declined by this Court. However, presently the investigation is completed and the charge sheet is filed.

7. I have perused the material available on record.

8. Having regard to the facts and circumstances of the case, the duration of judicial custody undergone by the

petitioner, as the charge sheet is filed and as no substantial ground is made out by the prosecution for continuance of petitioner's custody, except for securing his presence for the judicial process, this Court is inclined to grant bail to the petitioner.

9. Accordingly, the present Criminal Petition is allowed on the following conditions:

- i) The petitioner/accused No.1 shall be released on bail, subject to his executing a personal bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class, Korutla.
- ii) The petitioner/accused No.1 shall appear before the trial Court on each date fixed by the Court unless personal presence is exempted by the trial Court.
- iii) The petitioner/accused No.1 shall communicate his residential address and contact numbers to the Investigating Officer as well as to the concerned Court on affidavit and changes if any from time to time, till conclusion of the case.

- iv) The petitioner/accused No.1 shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) The petitioner/accused No.1 shall not indulge in any offence.
- vi) In case the petitioner commits breach of any of the above conditions, this bail is liable to be cancelled, at the instance of the prosecution.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

N. TUKARAMJI, J

Date: 10.06.2024

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