

**THE HONOURABLE SRI JUSTICE N. TUKARAMJI**

**CRIMINAL PETITION No.5963 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 the sole accused in Crime No.91 of 2024 on the file of Kuravi Police Station, Mahabubabad District.

3. I have heard Sri V.Raghunath, learned senior counsel appearing for the petitioner and Sri S. Sudarshan, learned Additional Public Prosecutor for the Respondent - State.

4. The prosecution case in brief is that, the petitioner developed acquaintance with the victim girl through social media and enticed her in the name of love and marriage and on 30.03.2024, in her house, in the absence of family members, sexually exploited her and by taking nude photographs threatened her with dire consequences if she inform the incident to anyone. Thus committed offences under Sections 376 (3), 354 (c) of IPC and Section 3 read

with Section 4 (2) of the Protection of Children from Sexual Offences Act (for short “the POCSO Act”).

5. Learned senior counsel submits that, the petitioner and the victim girl were in love and to retaliate, the de-facto complainant foisted false case against the petitioner. Further pleaded that the narration of complaint is stereotyped as in the cases with allegations of offence under the POCSO Act. That apart, the petitioner is aged about 19 years and as the material part of investigation is completed and in absence of any legally acceptable reason, no purpose would be served in continuance of petitioner in judicial custody. Furthermore, by pointing the order of first bail application, pleaded that as the victim girl did not oppose for bail application is making out the love relationship between the petitioner and the victim girl. In addition, during investigation, the investigating agency has seized the mobile phone of the petitioner but, no incriminating materials have been discarded. Additionally, there is clear delay in filing of First Information Report (FIR). Having regard to these aspects, prayed for grant of bail.

6. Learned Additional Public Prosecutor opposed the bail application and pleaded that the victim girl is 14 years old and there are specific allegations against the petitioner. Further, the prosecution has examined six (06) witnesses and remaining investigation is in progress.

7. I have considered the submissions of learned counsel and perused the material available on record.

8. Having regard to the nature of offence, age of the petitioner, stage of investigation reported by the prosecution and as no other incriminating material except the statute in the police report and the witness is made out in the investigation, 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 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 Special Sessions Judge

for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Mahabubabad.

- ii) On such release, the petitioner/Accused shall appear before the concerned Police at 10:00 a.m. on every Saturday till filing of charge sheet.
- iii) The petitioner/accused shall make himself available for interrogation as and when required by the police till filing of charge sheet.
- iv) The petitioner/accused shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) The petitioner/accused shall not indulge in any illegal activity.
- 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.

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**JUSTICE N. TUKARAMJI**

Date: 12.06.2024

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