

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6663 of 2024

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail.

2. The petitioner is accused No.5 in Crime No.31 of of 2024 on the file of the PS; Dahegaon, Kumarambheem (Asifabad) District, within the jurisdiction of the Judicial First Class Magistrate at Sirpur-T, for the offences under Sections 354D(i), 354A, 365, 366, 366A, 343, 506, 376(2)(n), 109 of the Indian Penal Code, Sections 6, 17 of the Protection of Children from Sexual Offences Act (POCSO), 2012, Section 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard Mr. Yadu Krishna Sainath, learned counsel for the petitioner, as well as Sri Khaja A. Vizarath Ali,

learned Assistant Public Prosecutor for the respondent-State.

4. The prosecution case in brief is that the accused No.1 kidnapped the victim girl and by confining her, committed sexual assault. The allegation against the petitioner/accused No.5 is that his quarter was used for confining the victim girl. Thus, he had abetted and aided the accused No.1 in commission of the offence.

5. Learned counsel for the petitioner would submit that the petitioner is no way involved in the offence and he is in judicial custody since 07.04.2024 and the investigation is complete. However, the petitioner is ready to assist the judicial process and abide by any conditions that may be imposed. Further, another accused who is facing the same accusation of aiding and abetting the accused No.1 has been granted bail by this Court, thus, prayed for grant of bail.

6. Learned Assistant Public Prosecutor opposed the bail application, however submits that the material part of investigation is complete and another accused, who is in the same stand has been granted bail by this Court.

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

8. Having regard to the allegations against the petitioner, period of judicial custody undergone and the stage of investigation reported by the prosecution, this Court is of the view that the prayer of the petitioner for grant of bail can be accepted.

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

- 1) The Petitioner/accused No.5 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 First Class Magistrate at Sirpur-T, Kumarambheem Asifabad District.

- 2) The petitioner shall communicate his residential address and contact numbers to the Investigating Officer and changes if any from time to time, till conclusion of the case.
- 3) The petitioner shall make himself available for interrogation and the judicial process as and when required, except for leave of the Court.
- 4) The petitioner shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- 5) The petitioner shall not indulge in any illegal activity.
- 6) In case the petitioner commits breach of any of the above conditions, the bail granted 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: 03.07.2024

gv1

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6663 of 2024

Date:03.07.2024