

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.12492 of 2024

ORDER :

Petitioner/accused No.1 has filed this petition under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail in Crime No.516 of 2024 of P.S. Shamshabad, registered for the offences under Sections 65(1), 89, 351(2) r/w. 61(2) (a) of Bharatiya Nyaya Sanhita, 2023 (for short BNS) and Section 5(1) r/w. 6 of POCSO Act and Section 3(2) (V), 3(2) (Va) of SC, ST POA Act.

2. Heard Sri L.Harish, learned counsel for petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution is that in the year 2024, the *de facto* complainant who is aged 13 years old, stopped studies and accompanied her mother to work in the fields of accused No.1 and 2, and while she was in the course of field work, petitioner/accused No.1 took the *defacto* complainant inside room in his vegetable fields and had physical intercourse with

her, due to which she became pregnant. Later, when the *de facto* complainant along with her mother went to question the petitioner/accused No.1 and accused Nos.2 and 3, they took them to Srinivasa clinic at Kothur and got aborted the pregnancy through accused No.4 and kept the fetus with them.

4. Learned counsel for petitioner/accused No.1 submits that the petitioner/accused No.1 is innocent and has been falsely implicated in the case. He further submits that major part of investigation has been completed except filing of charge sheet. Further the petitioner/accused No.1 is in jail since 14.08.2024. Hence, prayed for grant of bail.

5. The learned Additional Public Prosecutor opposed the application stating that specific allegations are levelled against the petitioner/accused No.1. He further submits that the investigation in the case is in progress and if the petitioner/accused No.1 is released on bail at this stage, he may threaten the witnesses and tamper the evidence, hence, prayed to dismiss the petition.

6. Having heard both sides and perused the material on record, since major part of the investigation is completed and considering that he is in jail since 14.08.2024, this Court is of the considered view that it is a fit case for grant of bail subject to following conditions:

- 1. The petitioner/accused No.1 shall be released on bail on his executing a personal bond for Rs.20,000/- with two sureties for the like sum each to the satisfaction of Special Session Judge for Trial and Disposal and Cases under POCSO Act, Ranga Reddy District, LB Nagar.**
- 2. The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.**

Petition is allowed accordingly.

Date:30.10.2024
Ksk/lk

JUVVADI SRIDEVI, J