

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13354 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.3 & 4 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short “BNSS”) seeking regular bail in Crime No.395 of 2024 on the file of Saidabad Police Station, Hyderabad registered for the offences punishable under Sections 142, 76 read with 3 (5) of Bharatiya Nyaya Sanhitha (for short ‘BNS’) & Section 7 read with 8 of Protection of children from Sexual Offences Act, 2012 (for short ‘POCSO Act’).

2. The case of the prosecution in brief was that the *de-facto* Complainant / the Director of “Swanthana” Women’s De-addiction and Rehabilitation Centre, Saraswathi Nagar colony lodged a report that the victim girls were admitted in their home by their parents for de-addiction and behavioral problems on 11.09.2024 and 24.09.2024 respectively, but they escaped from the home by opening the window grill and door. As per the information given by the GHMC sweepers, they noticed both the victim girls getting into an auto and proceeding

towards Singareni Colony route. Basing on the said report, the above crime was registered. Subsequently, police found that the victim girls initially reached Yadagirigutta by Bus from Hyderabad and from there they decided to go to Jangaon town and when they were in Jangaon bus stop, one of the victim called A-5 known to her and A-5 picked both the victim girls on his bike and he had called A-1. Further, A-1 had taken the victim girl-1 to A-2's bakery where she stayed that night. It was alleged that A-1 had committed rape on victim girl-1 on that night. On 26.09.2024, A-1 & A-2 had taken a car from petitioner - A-3 who was running a car rental business at Jangaon to pick up the victim girl-1. A-3 tracked the movements of the car which was taken by A-1 & A-2 and reached the location of his car along with his friend A-4 in his Mahindra Thar, where he found victim girl-1 along with A-1 & A-2. It was further alleged that A-3 & A-4 had made the victim girl-1 sit in the Thar Jeep and had given cash of Rs.1,000/- to the victim girl-1 to strip her clothes off and that petitioners - A-3 & A-4 had touched the victim girl- 1 inappropriately. Basing on the said statements, the police registered the above crime against the petitioners.

2. Heard the learned counsel for the petitioners - Accused Nos.3 & 4 and the learned Additional Public Prosecutor for the respondent-State.

3. Learned counsel for the petitioners - Accused Nos.3 & 4 submitted that the petitioners were arrested and remanded to custody on 01.10.2024 and since then they were in custody. The petitioner No.1-Accused No.3 was in the travel rental business and hails from a reputed family. The wife of petitioner-A-3 was due for delivery in the 1st week of November. The petitioner No.2/A-4 was a private employee and both of them were having no criminal antecedents and prayed to enlarge the petitioners - Accused Nos.3 & 4 on bail.

4. Learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that the offences of POCSO were also registered against these petitioners, the victim girls were teenagers, the petitioners exploited them sexually.

5. Perused the record. Considering the facts and circumstances of the case and that the offence of rape is not attributed to the petitioners and that the offences alleged against the petitioners

are only under Section 76 of BNS and Section 7 read with 8 of POCSO Act, which were punishable with imprisonment up to 7 years only, it is considered fit to enlarge the petitioners - Accused Nos.3 & 4 on bail.

6. In the result, the Criminal Petition is allowed directing the petitioners – Accused Nos.3 & 4 to be released on regular bail subject to the following conditions:

- i). The petitioners – Accused Nos.3 & 4 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of the VII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
- ii). The petitioners - Accused Nos.3 & 4 shall abide by the other conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 6th November, 2024
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THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13354 OF 2024

Dated 06.11.2024

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