

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13819 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.404 of 2024 of Suryapet II Town Police Station, Suryapet District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 26.08.2024 at about 20:00 hours the Police received a cyber complaint that accused No.1 is uploading Child Pornography and Child Sexual Abuse Material in google. Based on the complaint, a case was registered vide Crime No.404 of 2024 before the Suryapet II Town Police, for the offences punishable under Sections 354(C), 376(AB), 506 of IPC; Section 67(B) of IT Act and Sections 14 read with 15, 5(m) read with 6 of POCSO Act.

3. Heard Sri M.Arun Kumar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner *firstly* submitted that there is no material evidence to support the case of prosecution. He *secondly* submitted that Section 376(AB) of

IPC does not attract the petitioner as the petitioner never committed rape against the victim. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 31.08.2024, causing undue hardship to his family. The allegations are false and fabricated. The petitioner is resident of Suryapet, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail applications of the petitioner, *vide* Crl.M.P.Nos.335 of 2024 and 358 of 2024, were dismissed by the I Additional District and Sessions Judge, Suryapet, on 30.09.2024 and 24.10.2024, respectively, without valid reasons. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the investigation is not yet completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, since the petitioner is languishing in jail

since 31.08.2024 and material part of the investigation is completed, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the Principal Judicial First Class Magistrate at Suryapet.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS)

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 22.11.2024
gms

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