

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.14028 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 480 & 483 of BNSS for grant of regular bail in Crime No.151 of 2024 of PS Husnabad, Siddipet District, which was registered initially for the offence under Section 137(2) of BNS, which was later altered to Sections 87, 64(2)(i)(m) of BNS and Section 5 read with Section 6 of the Prevention of Children from Sexual Offences (for short “POCSO”) Act, 2012.

2. The case of the prosecution in brief was that on 12.08.2024 at 13:00 hours, the *de-facto* complainant, the mother of the victim girl lodged a report stating that on 11.08.2024 at 09:00 hours, while she along with her husband went to attend the agricultural work in their field and on their return in the evening at 05:00 PM found her daughter missing. They searched for her. But, her whereabouts were not known. As such, lodged the report.

3. After registering the case under Section 137(2) of BNS, while the investigation was in progress on 15.08.2024 at 22:00 hours, the missing girl came to the Husnabad Police Station along with the petitioner – accused and reported that she was not willing to go with her parents. As such, she was kept

in Sakhi Centre, Siddipet for shelter. The petitioner – accused was arrested on 23.08.2024.

4. Heard the learned counsel for the petitioner – accused and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioner submitted that Police without conducting proper enquiry effected the arrest of the petitioner – accused. The petitioner was innocent. A false case was foisted against him. The victim girl on her own will came along with the petitioner – accused. Subsequently, her parents got married her and she was leading marital life with her husband. The petitioner was in custody for the past more than three (03) months and prayed to release the petitioner – accused on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner.

7. Considering the facts and circumstances of the case, wherein, the remand report of the petitioner – accused also would disclose that the petitioner – accused was acquainted with the victim girl four (04) years ago, thereafter, he left abroad for his livelihood, but continued to keep in contact with the victim girl over phone and was also messaging her. On 10.07.2024, the petitioner – accused returned home from abroad and visited the house of the victim girl, when she was alone at her house in the village and expressed his intention to

marry her and as the parents of the victim girl were against the marriage, he took the victim girl on his motorcycle to Husnabad Bus Stand and later to Vemulawada and tied a pusthelathadu to her near the temple and subsequently came to the Police Station along with the victim girl. Considering that his intentions appear to be bonafide with regard to marrying the victim girl, but however, as the parents of the victim girl married the victim to another person against her will and as the petitioner – accused was languishing in jail for the past more than three (03) months, it is considered fit to enlarge the petitioner – accused on bail.

8. In the result, the Criminal Petition is allowed directing the petitioner – accused to be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand) with two sureties for a like sum each to the satisfaction of the learned Principal Judicial Magistrate of First Class at Husnabad, Siddipet District. The petitioner – accused shall comply with the conditions laid down under Section 480(3) of BNSS.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 29th November, 2024
Nsk.