

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14768 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.117 of 2024 of Easgaon Police Station, Kumarambheem Asifabad District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that though the victim refused the love proposal of the accused, the accused continuously harassing her to fulfill his sexual desires in the name of love. Hence, a case was registered vide Crime No.117 of 2024 before the Easgaon Police Station, Kumarambheem Asifabad District, for the offences punishable under Sections 75, 78, 351(2) of the BNS and Section 12 of POCSO Act.

3. Heard Sri Yadu Krishna Sainath, 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 the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *thirdly* submitted that the

petitioner has been in judicial custody since 26.10.2024, causing undue hardship to his family and that the allegations are false and fabricated. He *fourthly* submitted that the petitioner is resident of Kaghaznagar Mandal, Kumarambheem Asifabad District, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.252 of 2024, was dismissed by the Special Judge for Fast Track Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Asifabad, on 21.11.2024, without valid reasons and 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 made by both the parties and reviewing the record, since the petitioner is languishing in jail from 26.10.2024 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 Special Judge for Fast Track Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Asifabad, Kumarambheem Asifabad District.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, 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: 18.12.2024
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