

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15965 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.48 of 2024 of Lingapur Police Station, Komurambheem Asifabad District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the accused exploited the victim sexually under the guise of love marriage. However, when the victim asked to marry her, the accused refused. Hence, a case was registered vide Crime No.48 of 2024 before the Lingapur Police, Komurambheem Asifabad District, for the offences punishable under Sections 69, 78 of the BNS and Section 6 of the POCSO Act.

3. Heard Sri S.Surender Reddy, 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 no way concerned with the alleged offences. He *secondly* submitted that though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. 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 08.11.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Lingapur Mandal, Komurambheem 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.266 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 13.12.2024, 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 there are serious allegations against the petitioner. He further submitted that though the notice was served to the victim, none appeared on behalf of the victim. He also submitted that after completion of investigation, a charge sheet was filed, 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 08.11.2024 and charge sheet is filed after completion of investigation, 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 Asifabad, Komurambheem Asifabad District.
- ii. The petitioner shall cooperate with the trial proceedings by appearing before the concerned Court whenever his presence is required as the charge sheet is filed before the concerned Court.
- 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 partly allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 31.12.2024
gms

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