IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE SEVENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 965 OF 2025

Between:

1. Domathoti Swarupa Rani, W/o.Nageswara Rao, aged about 59 years R/o.Anandpet, Machilipatnam, Krishna District Andhra Pradesh
2. Irlapati Gladis Christiyana, W/o.Victor Raj Kamal, Aged about 33 years, Occ-Staff Nurse R/o.Anandpet, Machilipatnam Krishna District, Andhra Pradesh

...Petitioners/A-3 & A-5

AND

The State of Andhra Pradesh, Station House Officer, Chilakalapudi Police Station Krishna District. Rep.by public prosecutor High Court, Amaravathi

...Respondent

Petition under Section 438 of Cr.P.C/ Under Section 482 of BNSS, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to release the petitioners on bail in the event of their arrest in FIR No.236/2024 on the file of the Station House Officer, Chilakalapudi Police Station, Krishna District Andhra Pradesh

The Petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of SRI YASWANTH GADE, Advocate for the Petitioners, and of PUBLIC PROSECUTOR, for the Respondent;

APHC010046282025

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI (Special Original Jurisdiction) [3327]

FRIDAY, THE SEVENTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO.965 OF 2025

Between:

Domathoti Swarupa Rani and another ...**PETITIONER/ACCUSED(S)**

AND

The State Of Andhra Pradesh ...**RESPONDENT/COMPLAINANT**

Counsel for the Petitioner/accused(S):
1. YASWANTH GADE

Counsel for the Respondent/complainant:
1. PUBLIC PROSECUTOR

The Court made the following ORDER:

This Criminal Petition, under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioners/A3 and A5, seeking anticipatory bail, in connection with Crime No.236 of 2024 of Chilakalapudi Urban Police Station, Krishna district.

2. A case has been registered against the petitioners herein and others for the offences punishable under Sections 64(1), 96 read with 49, 137(2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'BNS'), Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of Child Marriage Act.

3. Case of the prosecution, in brief, is that the victim girl has got close acquaintance with A1 for the last 4 years and both of them fell in love. On 11.11.2024, A1 abducted the victim girl from her house and married her on the same day in a Church, situated at dumping yard, in Machilipatnam in the presence of elders.

4. Heard. Perused the record.

5. A perusal of the material on record goes to show that all the allegations are directed against the co-accused. The only allegation that has been made as against the petitioners herein is that they are aware of the fact that the victim girl and A1 got married. In connection with that, Section 161 Cr.P.C. statement of the victim was also recorded. There were disputes between

the families of the accused and the victim girl and in connection with that the present case has been registered.

6. The petitioners herein filed Crl.MP No.1533 of 2024 for grant of anticipatory bail before the Court of the Special Judge for speedy trial of offences under the POCSO Act, 2012, Krishna, Machilipatnam, and the learned Special Judge, by an order dated 02.01.2025, allowed the said petition and granted anticipatory bail to the petitioners herein/A3 and A5 for limited period i.e., till filing of charge sheet on their executing personal bonds for Rs.25,000/- with two sureties for like sum each to the satisfaction of the learned Additional Civil Judge (Junior Division)-cum-Additional Judicial Magistrate of First Class, Machilipatnam. Thereafter, petitioners were permitted to move regular bail application after filing of charge sheet.

7. The learned Special Judge, having granted anticipatory bail to the petitioners herein, ought not to have directed them to seek regular bail after filing of charge sheet.

8. In view of the aforesaid facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners herein/A3 and A5 on the following conditions.

i) In the event of arrest of the petitioners herein/A3 and A5 in the above crime, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of the like sum each to the satisfaction of the concerned Arresting Officer.

ii) Petitioners shall make themselves available for interrogation by a police officer as and when required, and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

iii) Petitioners shall appear before the Station House Officer concerned once in a week i.e., on every Saturday between 10.00 AM and 01.00 PM till filing of charge sheet.

9. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

SD/- G.HELANAIDU
ASSISTANT REGISTRAR

//TRUE COPY//

For,

SECTION OFFICER

To,

1. The Station House Officer, Chilakalapudi Urban Police Station, Krishna District, Andhra Pradesh.
2. One CC to SRI YASWANTH GADE, Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
4. **One spare copy**

PSR

HIGH COURT

SRK,J

DATED:07/02/2025

ANTICIPATORY BAIL ORDER

CRLP.No.965 of 2025

ALLOWED

