

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.500 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in SC PCS No.197 of 2020 on the file of Special Court for the Trial of Cases under the Protection of Children from Sexual Offences (POCSO)-Cum-XII Additional Sessions Judge at Nampally, Hyderabad, the present Criminal Petition is filed.

2. The brief facts of the case are that on 22.02.2020, the victim girl left the house of the *de-facto* complainant and did not return the house. Hence, a case was registered vide Crime No.40 of 2020 before the Kulsumpura Police, Hyderabad and after completion of the investigation, a charge sheet was filed vide SC PCS No.197 of 2020 on the file of Special Court for the Trial of Cases under the Protection of Children from Sexual Offences (POCSO)-Cum-XII Additional Sessions Judge at Nampally, Hyderabad, for the offences punishable under Sections 363, 376(3), 376(2)(n) read with 109 of the IPC; Sections 4(2), 6 read with 5(1), 17 of the POCSO Act and Sections 9, 10 of the Prohibition of Child Marriage Act.

3. Heard Sri Krishna Kishore Kovvuri, 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 the petitioner was attending the trial Court regularly, Non-Bailable Warrants were issued against the petitioner as he was absent on 02.01.2024. He *thirdly* submitted that absence on 02.01.2024 is neither wanton nor willful but only due to the ill-health of the petitioner's mother and sister. He *fourthly* submitted that the petitioner has been in judicial custody since 20.11.2024, causing undue hardship to his family and that the allegations are false and fabricated. He *fifthly* submitted that the petitioner is resident of Kothapet, Hyderabad, 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.32 and 5600 of 2024, were dismissed by the Special Judge for Trial of Cases under Protection of Children from Sexual Offences (POCSO)-Cum-XII Additional Sessions Judge, Hyderabad, on 19.01.2024 and 26.12.2024, respectively, 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 petitioner is not cooperating with the trial proceedings, 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, it is apparent that on 02.01.2024, the petitioner has not attended the trial Court due to severe ill-health of petitioner's mother and sister. Pertinently, the petitioner and the victim got married and both are living together along with their male child. Hence, since the petitioner is languishing in jail from 20.11.2024 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.15,000/- (Rupees Fifteen Thousand only) each, with two sureties for a like sum each to the satisfaction of the Special Court for the Trial of the Cases under Protection of Children from Sexual Offences (POCSO)-Cum-XII Additional Sessions Judge at Nampally, Hyderabad.

- 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 allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 20.01.2025
gv/gms

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