

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1883 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.354 of 2024 of Narsapur Circle Police Station, Medak District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 24.12.2024 the victim girl left her parent's house, not returned till evening. Hence, a case was registered *vide* Crime No.354 of 2024 before the Narsapur Police, Medak, for the offences punishable under Section 137(2) of the BNS. During the course of investigation, it came to *lime light* that accused No.2 first wife was expired within six months from the marriage and when accused No.6 approached accused No.2 with the marriage proposal, accused No.2 accepted the proposal and married the victim girl on 20.12.2024. On the nuptial night i.e., on 23.12.2024, accused No.2 participated in sexual intercourse with the victim. Later, on 24.12.2024, accused No.1 assaulted the victim girl physically multiple times. Hence, a case was registered against the accused persons for the offences punishable under Section 64(2)(m) read with 49 of the BNS; Sections 5(n), 5(l)

read with 6, 16 read with 17 of the POCSO Act and Sections 9 and 10 of the Prohibition of Child Marriage Act.

3. Heard Sri MD.Mujubyuddin, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, 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 though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that accused Nos.4 and 5 approached the petitioner with marriage proposal and believing that the victim is major, accused No.2 married the victim. He *fourthly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fifthly* submitted that the petitioner has been in judicial custody since 28.01.2025, causing undue hardship to his family. He *lastly* submitted that the petitioner is resident of Medak District, with movable and immovable properties, and is willing to furnish sureties as directed 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 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 from both the parties and reviewing the record, it is apparent that accused No.2 accepted the marriage proposal with the victim girl and married the victim girl believing that she is major. Hence, since the petitioner is languishing in jail from 28.01.2025 and also material part of 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 Junior Civil Judge-Cum-Judicial First Class Magistrate at Narsapur.
- 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: 20.02.2025

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