

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3862 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.7 in Crime No.11 of 2025 on the file of the Dahegaon Police Station, Kumarambheem Asifabad District, registered for the offences punishable under Sections 137(2), 64(2)(m) and 49 of the Bharatiya Nyaya Sanhita (for short 'BNS') and Sections 5 read with 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The case of the prosecution is that on 25.01.2025 at about 9-00 hours when the *de-facto* complainant's daughter did not return back to home from college, she searched for her daughter with the help of her friends, who informed that she went in an auto and expressed suspicion that accused No.1, who is the auto driver, might have taken away her daughter.

3. Heard Rajagopallavan Tayi, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent No.1-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submitted that the ingredients of Section 49 of BNS and Section 17 of POCSO Act are not attracted against the petitioner. He further submitted that entire allegations are leveled against accused No.1 and petitioner has only facilitated the stay and employment to accused Nos.1 to 3 in his poultry farm. He further submitted that accused Nos.1 to 6 were already enlarged on bail and material part of the investigation is completed. He also submitted that the petitioner is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and there are specific allegations against the petitioner. He further submitted that investigation is under progress and if the petitioner/accused No.7 is granted anticipatory bail at this stage, he may tamper the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there are no specific allegations against the petitioner. According to the learned counsel for the petitioner, accused Nos.1 to 6 were already enlarged on bail and the same was not disputed by the learned Additional Public Prosecutor. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.7 with the following conditions:

- (i) Petitioner/accused No.7 is directed to surrender before the S.H.O., Dahegaon P.S. on or before 02.04.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only), with two sureties for a like sum each to his satisfaction.
- (ii) On such release, petitioner/accused No.7 shall appear before the S.H.O., Dahegaon Police Station on every Monday at 11-00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) Petitioner/accused No.7 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.
- (iv) Petitioner/accused No.7 shall not interfere with the investigation or influence the witnesses.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 26.03.2025

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