

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4583 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused, seeking bail in S.C.No.8 of 2025 on the file of the Fast Track Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Asifabad.

2. The case of the prosecution is that on 26.12.2024 at 15.00 hours, the mother of the victim girl lodged a complaint stating that the petitioner, who is an auto driver, followed and deceived her elder daughter, who is the victim girl aged 15 years. On 20.10.2024, the petitioner took the victim girl to his house when there are no other family members in the house and sexually exploited her. The victim girl informed the same to her, upon which, she sent her daughter to her parent's house at Gundi Village. On 25.12.2024, her mother made a phone call to her stating that her daughter was missing at home. On 26.12.2024, the victim girl came home crying and informed her that the petitioner came to Gundi Village and

forcibly took her to his house by falsely promising her to marry her and had sexual intercourse with her. Hence, Crime No.254 of 2024 of Asifabad Police Station was registered for the offences punishable under Sections 65(1) and 87 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Section 4 read with 3(a) of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act').

3. Heard Mrs. C. Vasundhara Reddy, learned counsel for the petitioner, and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this crime. She further submitted that the statement of the victim/LW.2 was recorded under Section 164 of the Code of Criminal Procedure, 1973, (for short, 'the Cr.P.C.'). Even according to the allegations made either in the complaint or in the 164 of the Cr.P.C., the ingredients of Section 65(1) of the BNS are not applicable. The petitioner was arrested on 25.12.2024 and since then he was in judicial custody. She further submitted that entire investigation is completed and the Investigating Officer filed charge sheet and

the same was numbered as S.C.No.8 of 2025 and the same is pending before the Fast Track Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Asifabad and the matter is posted for engaging the Advocate. She further submitted that the petitioner is ready and willing to appear before the trial Court on each and every adjournment for conducting the proceedings and also the petitioner is not having any criminal antecedents. The petitioner is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence and he is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 25.12.2024 and since then he was in judicial custody and the Investigating officer after conducting investigation filed the charge sheet and the same was taken cognizance and numbered as S.C.No.8 of 2025 on the file of the Fast Track

Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Asifabad. Learned Additional Public Prosecutor submitted that the petitioner is not having any criminal antecedents and according to the copy of the status report of the S.C.No.8 of 2025, it reveals that the case is coming for engaging advocate on behalf of the accused. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

- (i) The petitioner/accused shall execute a personal bond for a sum of Rs.30,000/- (Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the Fast Track Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Asifabad.
- (ii) Upon release, the petitioner/accused shall appear before the trial Court on each and every adjournment in S.C.No.8 of 2025 on the file of the Fast Track Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Asifabad.
- iii) Till the disposal of S.C.No.8 of 2025, the petitioner/accused shall not contact the victim or her family members and shall not enter the

village, namely, Mothuguda Village of Asifabad Mandal.

- iv) The petitioner/accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 15.04.2025
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J. SREENIVAS RAO, J