

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6714 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused seeking bail in Crime No.21 of 2025 of Jainoor Police Station, Kumrambheem Asifabad District, registered for the offences punishable under Section 64 read with Sections 64 r/w 62 and 137(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The case of prosecution in brief is that on 14.02.2025 at 1600 hours, the complainant lodged a complaint, wherein it is stated that while he was out of station, on 13.02.2025 his wife contacted him over phone and informed that while the victim was playing outside, at about 6:00 p.m., their neighbor, Makkala Tirupathi took her to his house saying that he would give her money and closed the doors and laid the victim down on a mat. When the victim started crying, the said Tirupathi opened the doors and sent her out of his house. Basing on the said complaint, the present crime was registered.

3. Heard Mr. Gajanand Chakravarthy, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offence and he was falsely implicated in this crime. Even according to the allegations made in the complaint and remand case diary, there are no specific allegations against the petitioner to attract the ingredients of Section 64 r/w 62 of BNS. He further submitted that the petitioner was arrested on 15.02.2025 and since then he is in judicial custody and the investigation officer after conducting investigation, filed charge sheet before the learned Principal Judicial First Class Magistrate at Asifabad on 15.04.2025. He further submitted that the petitioner is not having any other criminal antecedents and he will appear before the concerned Court as and when required and will abide by the conditions, which are going to be imposed by this Court. Hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed grave offence and the ingredients of the alleged offences are attracted against the petitioner. Therefore, 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 15.02.2025 and since then he is in judicial custody. The record further reveals that prior to filing the present petition, the petitioner had approached this Court and filed CrI.P.No.6377 of 2025 seeking grant of bail. However, this Court dismissed the said petition on 07.05.2025, on the ground of the gravity of the offence and the investigation is still under progress. Even according to the learned Additional Public Prosecutor, the investigation officer after conducting investigation, filed charge sheet before the learned Principal Judicial First Class Magistrate at Asifabad on 15.04.2025. Even according to the learned counsel for the petitioner, there are no specific allegations against the petitioner that he committed rape on the victim.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused, 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 Principal Junior Civil Judge-

cum-Principal Judicial First Class Magistrate at Asifabad.

(ii) After release, petitioner/accused shall appear before the learned Principal Judicial First Class Magistrate at Asifabad, on each and every adjournment.

(iii) After release, the petitioner/accused shall not try to influence any of the prosecution witness in any manner or directly or indirectly try to contact the victim and her family.

(iv) After release, the petitioner/accused shall not leave the Asifabad District, without permission of the learned Principal Judicial First Class Magistrate at Asifabad.

(v) The petitioner/accused shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:12.06.2025

vsl