

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 8372 of 2025

ORDER:

This Criminal Petition is filed under Section 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused, seeking bail in connection with Crime No. 856 of 2025 of Hayathnagar Police Station, Rachakonda Commissionerate for the offences punishable under Section 3 r/w 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Sri Rapolu Bhaskar, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution in brief is that, on 16.06.2025 at 20-30 hours police received a complaint from the complainant, who is mother of the victim, in which she stated that, on 08.06.2025, her son, who is aged about 4 years, used to visit the accused house occasionally to play. On 08.06.2025, accused took the victim boy with him, stating that he would take him out to play. The accused took the victim boy to the grocery shop, bought one Kurkure packet, gave to the victim boy, took him to his rented house, and there allegedly committed a serious assault. He

exposed his private parts and forced the minor victim boy to perform oral sex by inserting his genital organ into the victim boy mouth. After some time, the child informed the same to his mother, who immediately went to house of the accused and questioned him about his acts. Then the accused fled away from there to his house and absconded. The complainant spoke with accused mother, she said that the accused is not there, she assured her that she would talk later. Based on this assurance and out of concern for family relations, the complainant did not file a complaint immediately. However, since neither accused nor his family members have contacted them or taken responsibility, the complainant decided to lodge the present complaint.

4. Learned counsel for the petitioner submitted that though the petitioner has not committed any offence, he was falsely implicated in the present crime to resolve the family disputes pending between the petitioner's family and the complainant's family. Therefore, the ingredients of Section 3 r/w 4 of the POCSO Act are not attracted against the petitioner. He further submitted that the petitioner was arrested on 20.06.2025 and since then he is in judicial custody. The petitioner is eking out his livelihood by doing daily wage labour work. The petitioner is not having any criminal antecedents and he 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 prays to enlarge the petitioner on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed the grave offence and the investigation is under progress. Therefore, if the petitioner is enlarged on bail, he will interfere with the investigation and influence the witnesses. Hence, the petitioner 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 and the complainant are blood relatives and there are family disputes pending between them. The record further reveals that the petitioner was arrested on 20.06.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 16 witnesses were already examined and the major portion of the investigation is completed except filing of the charge sheet. The petitioner is not having any criminal antecedents.

7. Taking into consideration the above said facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions;

- (i) The petitioner/accused shall be enlarged on bail on his executing a personal bond for a sum of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for a like sum each to the satisfaction of the learned XIV Addl. Metropolitan Magistrate, Cyberabad at Hayathnagar.
- (ii) After release, petitioner/accused shall cooperate with the investigation officer as and when his presence is required.
- (iii) After release, the petitioner/accused shall not contact the *de facto* complainant, victim or their family members till filing of charge sheet in any manner.
- (iv) The petitioner/accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 17.07.2025

pgp