

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10853 of 2025

ORAL ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in S.C.P.C.S. No. 276 of 2021 on the file of the learned Special Judge for Trial of Offences under POCSO Act-cum-XII Additional Sessions Judge, Hyderabad, the present Criminal Petition is filed. The petitioner was sent to judicial custody on execution of an NBW, as he had not been attending the Court regularly, which led the trial Court to issue the NBW. As per the trial Court record, the chief examination of P.W.1 was conducted, but the accused did not cross-examine the witness. Consequently, the petitioner filed a recall petition, which came to be dismissed.

2. Heard Sri Deepak Misra, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

3. Learned counsel for the petitioner submitted that the petitioner did not attend the Court on 20.03.2025 as he had been remanded to judicial custody in another case in Crime No.1053 of 2024, and therefore, he could not be present before the Court on that day. He further submitted that if bail is granted, the petitioner will attend the Court regularly. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

4. On the other hand, the learned Additional Public Prosecutor opposed the bail, stating that if the petitioner is released, he may not attend the Court, and it is only because of the accused that the case, which pertains to the year 2021, is still pending. Therefore, he prayed the Court to dismiss the criminal petition.

5. In the light of the submissions made by both learned counsel and upon perusal of the material available on record, it is noted that the petitioner could not attend the Court as he had been arrested in another crime. As seen from the record, the petitioner has been in judicial custody since 11.06.2025. Considering the facts and circumstances of the case, this

Court deems it appropriate 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 learned Special Judge for Trial of Offences under POCSO Act-cum-XII Additional Sessions Judge, Hyderabad.
- ii. The petitioner shall appear before the trial Court as and when directed. In case he fails to appear on the said date, the trial Court shall be at liberty to remand him to judicial custody.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

6. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 04.09.2025
SAI

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