

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16442 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.718 of 2024 of Balanagar Police Station, Cyberabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 02.11.2024, the victim went missing. It is stated that the accused sexually assaulted the victim under the guise of love marriage. Hence, a case was registered vide Crime No.718 of 2024 before the Balanagar Police, Cyberabad, for the offences punishable under Sections 137(2), 64(2)(m), 96 of the BNS and Section 5(1) read with 6 of the POCSO Act.

3. Heard Sri Rapolu Bhaskar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that with the consent of the victim only, the accused married the victim. He *thirdly* submitted that though there is no corroborative evidence, the

petitioner was implicated in the case with false and fabricated allegations. He *fourthly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fifthly* submitted that the petitioner has been in judicial custody since 11.11.2024, causing undue hardship to his family. He *sixthly* submitted that the petitioner is resident of Prakasham District, Andhra Pradesh State, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that submitted that previously, bail applications of the petitioner, vide Crl.M.P.Nos.2080 and 2165 of 2024 were dismissed by the I Additional Sessions Judge, Medchal Malkajgiri District at Kushaiguda, on 04.12.2024 and 19.12.2024, respectively, without valid reasons and prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that there are serious allegations against the petitioner and after completion of the investigation, charge sheet is also filed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, since the petitioner is languishing in jail from 11.11.2024 and charge sheet is filed after completion of investigation, this Court deems it fit 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 I Additional Sessions Judge, Medchal Malkajgiri at Kushaiguda.
- ii. The petitioner shall cooperate with the trial proceedings by appearing before the concerned Court whenever his presence is required as the charge sheet is filed before the concerned Court.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 22.01.2025
gms

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