

In the Court of the I Additional District and Sessions Judge, Kurnool.

Present: Sri A. Srinivasa Kumar,
I Additional Sessions Judge, Kurnool.

Friday, the 21st day of October, 2022.

CrI.M.P.No.418/2022

in

(Cr.No.206/2022 of Sirivella P.S.)

Vadde Bathula Srikanth, S/o. Ramanaiah, age 24 years, Govinda Palle village,
Sirivella Mandal, Nandyal District. ... Petitioner/Accused

- Vs -

State represented by Station House Officer, Sirivella PS. ... Respondent/
Complainant

This petition coming on this day before me for hearing in the presence of Sri S. Sivarama Krishna Prasad and Sri S.J. Shareef, Advocates for petitioner/ Accused and Special Public Prosecutor for the State and upon hearing both sides and having perused the material, this Court passed the following:

ORDER

The petitioner/ Accused, who was remanded to judicial custody on 10th September, 2022 in Cr.No.206/2022 for the offence under Sections 366, 376 of Indian Penal Code, under Section 6 of Protection of Children from Sexual Offences Act [for the short 'POCSO'] and under Section 3[2] [v] of Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989 [for the short 'SCs & STs'], on the accusation of kidnap and sexual assault on the guise of love and marriage of victim minor girl, who subsequently got pregnancy, but was deserted by the accused herein, preferred this petition *second time* under Section 439 of Criminal Procedure Code, requesting this Court to enlarge him on bail, on the ground that he is innocent and he was implicated in the said case.

2. The petitioner would contend that as he refused to get marry the victim girl, who along with her father, to take revenge against him, foisted the said false case against him, with such reason, he is seeking bail.

3. Notice is given to Special Public Prosecutor, who opposed grant of bail to the petitioner.

4. Heard the learned Advocate for the petitioner/Accused, who has argued on the same lines as noted in the petition, finally requested this court to enlarge the petitioner on bail as the victim's statement u/Sec.164 of Code of Criminal Procedure is completed and he was medically examined.

5. On the other hand, the learned Special Public Prosecutor while admitting as to the completion of procedural aspects i.e., recording of 164 Cr.P.C. statement of victim minor and potency test of accused etc., opposed grant of bail as investigation is still pending.

6. This Court perused the entire case diary available and the only point for consideration in this petition, is as to whether the petitioner is entitled to bail under the facts and circumstances of this case?

7. **POINT:**

As could be seen from the case diary, most of the investigation is completed, including the recording of statement of victim girl as per the procedure u/S.164 Cr.P.C., and also potency test of accused is also completed recently, in such case, further detention of the petitioner, is not at all required. Therefore, petitioner can be enlarged on bail, subject to conditions.

8. In the result, the petition is **allowed** and the petitioner/ accused is ordered to be enlarged on bail, on execution of a bond for **Rs.20,000/-** with two sureties for the like sum to the satisfaction of the **Judicial Magistrate of First Class, Allagadda**. The petitioner/ accused is further directed to appear before the concerned Station House Officer **on every Tuesday and Friday in between 10.00 am. to 12.00 noon for two months or till filing charge sheet, whichever is earlier**. Further, the petitioner herein is directed to follow guidelines issued by the Government of India as well as State Governments with respect to Corona Virus [COVID-19], and if necessary he shall go for quarantine if ordered by the District Administration.

Typed to my dictation, corrected, signed and pronounced by me in open Court, this the 21st day of October, 2022.

I ADDITIONAL SESSIONS JUDGE,
KURNOOL.

Copies to:

1. The Judicial Magistrate of First Class, Allagadda.
2. The Station House Officer, Sirivella P.S.

