



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

**TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2398/2026

Between:

1.T THARUN, S/O T. MOGILIAIAH, AGED ABOUT 23 YRS, R/O KOTHA VENKATAPURAM VILLAGE, THAMBUGANIPALLI PANCHAYATH, BANGARUPALEM MANDAL, CHITTOOR DISTRICT.

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI.

2.MOTHER OF VICTIM, G

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court

Counsel for the Petitioner/accused:

1.D PURNACHANDRA REDDY

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2398/2026****ORDER:**

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the Petitioner herein/Accused, seeking regular bail, in Crime No.13 of 2026 of Bangarupalem Urban Police Station, registered for the offences punishable under Sections 96, 64(1), 127(2), 351(2) of the Bharatiya Nyaya Sanhitha (for short "BNS") and Section 4 r/w 3 (a) of POCSO Act.

2. The case of the prosecution in brief, is that since one year prior to 19.01.2026, the accused lured the victim girl who is aged about 17 years with deceitful words that he is loving her. In December, 2025, when no one present at victim's home, the accused came to her house and on the pretext of marriage forcibly committed rape against her. Further on 18.01.2026 evening, the accused forcibly took the victim minor girl to Kanipakam temple where they stayed temple choultry from night of 18.01.2026 till the morning of 20.01.2026. During the said period, when the victim expressed her desire to return home, accused threatened her with dire consequences. On 20.01.2026, taking advantage of the accused's absence, victim escaped and returned to her home.

3. Heard Sri D.Purna Chandra Reddy, learned counsel for the petitioner/accused and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing on behalf of the State. Learned Assistant Public

Prosecutor would submit that the notice to the defacto complainant is served through police and got instructions to submit arguments in this matter.

4. Learned counsel for the petitioner would submit that initially, on the complaint made by the mother of the victim, a girl missing case was registered and on the very next day, the mother of the victim produced the victim girl before the police and later the section of law is altered to Sections 96, 64(1), 127(2), 351(2) of the BNS and Section 4 r/w 3 (a) of POCSO Act. Learned counsel for the petitioner would submit that the petitioner herein is a 23 year old boy and the victim girl is aged about 17 years. As per the remand report, the age of the victim is shown as 16 ½ years as per the Aadhaar Card. He would further submit that investigation is completed and charge sheet is also filed in this matter. It is a case of elopement backed by love affair between the petitioner/accused and the victim girl. Learned counsel for the petitioner would further submit that the complaint averments would show that the girl has studied upto Intermediate and residing in the house. She may be a major also. Learned counsel for the petitioner finally prays to allow the petition by imposing any conditions.

5. Learned Assistant Public Prosecutor would submit that the investigation is completed in this matter. Charge sheet is also filed. There are no criminal antecedents against the petitioner. She finally submits that the Court may pass appropriate orders.

6. Considering the submissions made and a fair look at the material placed on record, there is some force in the contention of the learned counsel for the petitioner that only as per the date of birth mentioned in the Aadhaar Card, the age of the girl is 16 ½ years. It is a case where the petitioner and the victim girl eloped for the purpose of marriage and after coming to know that her mother has given a complaint, she came back. Investigation is completed and charge sheet is also filed. In view of the peculiar facts and circumstances of the present case, this Court is inclined to release the petitioner/accused on bail on the following conditions:

- i. The petitioner/accused shall execute a personal bond for a sum of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each, to the satisfaction of the learned Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Chittoor.
- ii. The petitioner/accused shall not directly or indirectly tamper with evidence nor influence, intimidate, or induce any prosecution witness.
- iii. The petitioner/accused shall surrender his passport, if any, to the Investigating Officer. If he claims that he does not have a passport, he shall submit an affidavit to that effect to the concerned Court.
- iv. The petitioner/accused shall not leave the country without the express permission from the concerned Court.
- v. The petitioner/accused shall attend before the Trial Court for every adjournment without fail.

7. In the event of violation of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.

8. It is also made clear that the observations made in this order are only for the purpose of deciding the bail application and they shall not be construed as opinion on the merits of the Crime.

9. Accordingly, this Criminal Petition is allowed.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 31.03.2026.

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2398/2026

Dt.31.03.2026

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