

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE FIFTEENTH DAY OF APRIL, TWO THOUSAND AND TWENTY ONE
: PRESENT :

THE HONOURABLE SRI JUSTICE B. KRISHNA MOHAN

CRL.P.No. 2155 of 2021

Between:-

Shaik Ismail, S/o. Mohiddin.

.....Petitioner/Accused.

AND

- 1.The State of Andhra Pradesh, Rep. by its Public Prosecutor,
High Court of Andhra Pradesh at Amaravathi.
- 2.The Station House Officer, Ponnur Urban Police Station,
Ponnur, Guntur District, A.P.

.....Respondents/Complainants.

Petition filed under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Sole Accused on Bail pending disposal of Sessions Case No. 31/2021 on the file of Special Court for Speedy Trial of Offences under Protection of Children From Sexual Offences Act, Guntur-Cum-I Additional District and Sessions Judge, Guntur arising out of Crime NO. 179/2020 of Ponnur Town Police Station, Guntur District, in the interest of justice.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Kandarpa Subrahmanyam, Advocate for the Petitioner and of the Addl. Public Prosecutor on behalf of respondents/State, the Court made the following

ORDER :-

THE HON'BLE SRI JUSTICE B. KRISHNA MOHAN

CRIMINAL PETITION NO.2155 OF 2021

ORDER:

This Criminal Petition is filed by the petitioner/ Accused in Crime No.179 of 2020, dated 09.11.2020 of Station House Officer, Ponnur Town Police Station, Guntur District, registered for the offences punishable under Sections 376(A)(B) of IPC and Section 6 r/w 5(M) of POCSO Act, 2012.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the Respondents/ State.

3. It is the case of the prosecution that on 09.11.2020, after lunch, the accused sat in front of his portion, saw the little girl playing alone and in order to have sexual lust with her, at about 4.00 p.m summoned her for playing on the terraced building promising to offer chocolates and finally took her to the terraced building through the steps and removed her drawer, pressed her vagina with hands and kissed her there and also on face, put his Pennis into her mouth and asked to bite it and the panic stricken victim, came down railing when coaxed, she informed her ordeal as to how the accused did mischievous act in removing her drawer, pressing her private parts, kissing her and frightened with his bad touch in putting his Pennis into her mouth etc., and that her maternal grandmother was fell shocked and informed the same to her daughter i.e the mother of the victim girl and in the mean time, two youths from Cherukupalli came to them confirmed the cruel manner of an old person wearing lunge and the bad manner in which the accused behaved towards the victim girl and recorded in

their cell phone and the video was sent to police, the alleged bad touch or behaviour of the Accused drew criticism from her family members, shocked by the gory incident, inmates went to police station with victim girl and gave a complaint. Basing on the complaint, the above said crime was registered.

4. Learned counsel for the petitioner submits that the above crime was registered on 09.11.2020 and the petitioner was arrested on 10.11.2020. Ever since, he has been languishing in jail for the last 147 days. The petitioner is the sole accused and the police have already filed Charge Sheet and the case is numbered as S.C.No. 31 of 2021, pending on the file of I Additional District and Sessions Judge-cum- Special Judge Constituted under the POCSO Act, Guntur.

5. On the other hand, the learned Additional Public Prosecutor submits that the petitioner was Charge Sheeted on the ground that the petitioner being a neighbour of the victim girl, having bad character, misbehaved on a six years little girl, wanted to have sexual lust and he is liable for punishment under Section 376(A)(B) of IPC and Sec. 6 r/w 5(M) of POCSO Act, 2012 and there is a video graph to show the complicity of the accused and the report also speaks for the same.

6. However, the learned Additional Public Prosecutor admits that in this case a statutory period of 90 days is over and the petitioner is languishing in jail for the last 147 days.

7. In view of the above said facts and circumstances, the Criminal Petition is allowed. The petitioner is enlarged on bail,

subject to executing a personal bond for a sum of Rs. 50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge-cum- Special Judge Constituted under the POCSO Act, Guntur in S.C.No. 31 of 2021. The petitioner shall appear before the concerned Station House Officer, once in two weeks on Sunday in between 10.00 a.m to 1.00 p.m, till the trial is completed and he shall not threaten the witnesses or tamper the evidence in any manner. He shall not repeat any other offence and the petitioner shall not stay in the locality, where the victim girl is staying. In any of the violations of the conditions under the law by the petitioner, it is open for the respondent/ police to seek for a cancellation of the bail as per law. The Petitioner shall co-operate with the Investigating Agency and as well as the I Additional District and Sessions Judge-cum- Special Judge Constituted under the POCSO Act, Guntur to conclude the trial as per law.

//TRUE COPY//

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR
SECTION OFFICER

for ASSISTANT REGISTRAR

To

1. The I Additional District and Sessions Judge-cum-Special Court for Speedy Trial of Offences under POCSO Act, Guntur.
2. The Judicial First Class Magistrate, Ponnur, Guntur District.
3. The Station House Officer, Ponnur Urban Police Station, Guntur District.
4. The Superintendent, District Jail, Guntur.
5. Two CCs to the Public Prosecutor, High Court of A.P., at Amaravati(OUT)
6. One CC to Sri Kandarpa Subrahmanyam, Advocate(OPUC)
7. One spare copy.

TKK

HIGH COURT

BKM.J

DT.15-04-2021.

BAIL ORDER

CRL.P.No. 2155 of 2021

**RELEASE THE PETITIONER
ON BAIL**

