

(2025) 07 AP CK 0392

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Appeal No: 401 Of 2025

Manda Vijay Karthik

APPELLANT

Vs

State Of Andhra Pradesh And Others

RESPONDENT

Date of Decision : 04-07-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 64(2)(m)
Protection Of Children From Sexual Offences Act, 2012 — Section 6
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(2)(v)

Citation : (2025) 07 AP CK 0392

Hon'ble Judges : Dr. Venkata Jyothirmai Pratapa, J

Bench : Single Bench

Advocate : Gvvsr Subrahmanyam

Final Decision : Allowed

Judgement

Dr Venkata Jyothirmai Pratapa, J

1, The present criminal appeal has been filed by the Appellant / Accused No.1 seeking to set aside the Order dated 02.06.2025 passed in CrI.M.P.No.499 of 2025 in Crime No.110 of 2025 on the file of learned Special Judge for Speedy Trial of offences under Protection of Children from Sexual Offences Act, Vijayawada and to release him on bail.

2. Heard Sri G.V.V.S.R.Subramanyam, learned counsel for the appellant and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor on behalf of the State.

3. The case of the prosecution is that prior to 31.12.2024 at Gannavaram Village and Mandal, the accused No.1, who belongs to SC-Madiga community with his deceitful words on the pretext of love and marriage, committed penetrative sexual assault against the victim girl, aged about 16 years, who belongs to Scheduled Caste and A2 who is friend of A1 and belongs to Kapu community,

also committed penetrative sexual assault against the victim forcibly, though she refused. Later the victim became pregnant. In this connection, a case was registered in Crime No.110 of 2025 of Gannavaram Police Station for the offences punishable under Sections 64(2)(m) r/w 3(5) of BNS, Section 6 of POCSO Act and under Section 3(2)(v) of SC and ST (PoA) Act, 1989.

4. Learned counsel for the appellant would submit that the appellant has been in judicial custody since 07.04.2025 relating to Crime No.110 of 2025 of Gannavaram Police Station for the offences punishable under Sections 64(2)(m) r/w 3(5) of BNS, Section 6 of POCSO Act and under Section 3(2)(v) of SC and ST (PoA) Act, 1989. Learned counsel would submit that the appellant belongs to Scheduled Caste. So, the offence under the provisions of SC and ST Act would not attract against him. The investigation is completed. Charge sheet is also filed in this matter. Learned counsel would further submit that the DNA test is not matched with the appellant. Learned counsel would further submit that the appellant is ready to furnish the sureties to the satisfaction of the Court. Learned trial Judge dismissed the petition on the ground that investigation is not completed and DNA report and final opinion of the Medical Officer is pending. In the light of change of circumstances, the appellant may be released on regular bail by imposing any conditions.

5. Learned Assistant Public Prosecutor would submit that the DNA report is not tallied with the appellant / accused No.1. Learned Assistant Public Prosecutor would submit that so far nine witnesses are examined and the matter is pending for want of RFSL report. Court may pass appropriate orders.

6. Considering the submissions made, as can be seen from the impugned order, the bail application moved by the appellant was dismissed on the count that the investigation is not completed and DNA report is not received. Now, it is represented that DNA report received which shows the DNA of infant is not tallied with the appellant / accused No.1. It appears, crucial part of the investigation is over and the matter is pending for want of RFSL report. In that view, this Court is inclined to allow the appeal.

7. In the result, the Criminal Appeal is allowed, the impugned order is set aside. Bail is granted to the appellant on the following conditions;

(i) The Appellant/Accused No.1 shall execute a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the learned Special Judge for Speedy Trial of offences under Protection of Children from Sexual Offences Act, Vijayawada.

(ii) The Appellant/Accused No.1 shall appear before the concerned Station House Officer once in a week i.e. on every Sunday between 10-00 a.m. and 5-00 p.m., till filing of charge sheet.

(iii) The Appellant/Accused No.1 shall not hamper the investigation and tamper the prosecution witnesses.

(iv) It is made clear that the Appellant shall scrupulously comply with the above conditions and breach of any of the above conditions will be viewed seriously and prosecution is at liberty to move an application for cancellation of the bail.

Pending miscellaneous applications, if any, shall stand closed.