

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.14110 OF 2026

(CNR.No.HBHC010592272026)

DATE: 08.09.2026

Between :

Masula Suhartosh

... Petitioner-accused No.1

AND

The State of Telangana

... Respondent

ORDER:

This Criminal Petition is filed under Section 482 of *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, 'BNSS'), seeking the relief of pre-arrest bail.

2. The petitioner is arrayed as accused No.1 in Zero FIR dated 22.08.2026 of Ramagundam Police Station, Ramagundam, which is culminated into FIR No. 1198 of 2026 of Uppal Police Station, Malkajgiri Commissionerate, registered for the offences punishable under Sections 69, 296(b), 115(2) read with 3(5) of *Bharatiya Nyaya Sanhita, 2023* (for short, 'BNS') and Section 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short, 'SC/ST (POA) Act').

3. Heard Mr.Ch.Ravinder, learned Counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent -State.

4.1. The prosecution case, in brief, is that the de facto complainant became acquainted with the petitioner/Accused No.1 in the year 2003, which developed into a love relationship. Despite knowing that she belongs to the Scheduled Caste (SC) community, the petitioner, on the promise that he would convince his family members and marry her, established a physical relationship with her in the year 2024. Believing his assurance, the de facto complainant continued to have a consensual physical relationship with him.

4.2. It is further alleged that the petitioner's family members subsequently visited the house of the de facto complainant's brother and demanded dowry of Rs.50 lakhs and 25 tolas of gold. Upon negotiations, her family agreed to give Rs.10 lakhs, 10 tolas of gold and a residential plot at Ramagundam, whereupon the petitioner's family agreed to the marriage. However, the promise to perform *varapooja* was not fulfilled.

4.3. It is alleged that, on 11.05.2026, when the petitioner visited the de facto complainant's house along with his family members, they abused her in filthy language by referring to her caste, beat her with their hands, and drove her out of the house. Thereafter, when she went to the police station, the petitioner and his family members, even in the presence of the police, refused to marry her. Realizing that she had been deceived on

the basis of a false promise of marriage, she lodged the report, pursuant to which the crime was registered.

5.1. Learned counsel for the petitioner submits that the petitioner is innocent and that the allegations against him and his family members are motivated by an ulterior purpose. He contends that the petitioner and the de facto complainant, both being adults, had been acquainted since 2003 and continued their relationship with full knowledge of its consequences, indicating that the relationship was consensual.

5.2. He further contends that there is no explanation for the delay in lodging the complaint in respect of the alleged incident dated 11.05.2026, as the crime was registered only on 22.08.2026. He submits that the allegation under the SC/ST (POA) Act is also not sustainable, as the alleged caste-based abuse occurred within the four walls of the house and not in a place within public view. Relying on *Ramkrishna Chauhan v. State of U.P. & Another* (2026 INSC 895), learned counsel submits that being within public view is an essential ingredient of the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act.

5.3. Learned counsel further submits that the petitioner is willing to cooperate with the investigation and abide by any conditions imposed by the Court. He points out that the investigation is pending and that nine witnesses have so far been examined, while the prosecution contends that the petitioner's presence is required for effective investigation.

6.1. Learned Additional Public Prosecutor opposes the petition and submits that notice has been served on the de facto complainant. He contends that the petitioner is the prime accused and that the allegations disclose physical exploitation of the de facto complainant on a false promise of marriage, which was ultimately not fulfilled. He further submits that the petitioner and his family members abused the de facto complainant and her family members by referring to their caste, thereby attracting the provisions of the SC/ST (POA) Act.

6.2. It is further submitted that the investigation is still in progress and that the petitioner's presence is required for its effective completion. In view of the nature and gravity of the allegations, the stage of investigation and the petitioner's alleged role as the prime accused, the learned Additional Public Prosecutor prays for dismissal of the petition.

7. I have carefully considered the rival submissions and perused the materials on record.

8. The specific allegation against the petitioner is that he had been acquainted with the de facto complainant since 2023 and that their relationship subsequently developed into a love affair. It is alleged that, on the promise of marriage, the petitioner established a physical relationship with her in 2024 and continued the same on the assurance that he would marry her. It is further alleged that the petitioner's family agreed to the proposed marriage upon acceptance of the dowry proposals, but the marriage was ultimately not solemnized.

9. It is well settled that a dishonest promise to marry from its inception is distinct from a subsequent failure to fulfil a genuine promise. Mere subsequent refusal or failure to marry does not, by itself, establish that the promise was false from the inception. The Hon'ble Supreme Court has consistently recognized this distinction in cases involving consensual relationships and subsequent refusal to marry. Whether the petitioner had dishonest intention at the inception and whether the promise vitiated the complainant's consent are matters dependent upon the facts, circumstances and evidence collected during investigation and, if necessary, at trial.

10. While considering anticipatory bail, the Court is not required to undertake a meticulous appreciation of evidence or record a conclusive finding on disputed questions of fact. The consideration is confined to the material available at the investigation stage and the circumstances relevant to pre-arrest protection. In *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, the Hon'ble Supreme Court, inter alia, directed consideration of the nature and gravity of the accusation, the precise role attributed to the accused, the possibility of his fleeing from justice, repeating the offence, tampering with evidence or influencing witnesses, and the necessity of custodial interrogation.

11. In the present case, although the allegation is that the petitioner established a physical relationship with the de facto complainant on the promise of marriage, it is also alleged that the proposed marriage was

subsequently agreed to by the respective families upon acceptance of the dowry proposals but ultimately did not materialize. Whether this amounts to breach of a genuine promise or demonstrates dishonest intention from the inception is a disputed question requiring appreciation of evidence and cannot be conclusively determined at this stage.

12. As regards the allegations under the SC/ST (POA) Act, the alleged caste-based abuse is stated to have occurred inside the house. Sections 3(1)(r) and 3(1)(s) require the alleged insult or intimidation to be committed in a place within public view. “Public view” is distinct from a “public place”, and the relevant factual question is whether the alleged act was visible or audible to members of the public.

13. There is presently no material demonstrating that custodial interrogation of the petitioner is indispensable for completion of the investigation, or indicating a reasonable likelihood of his absconding, tampering with evidence or influencing witnesses. The petitioner has expressed his willingness to cooperate with the investigation and abide by conditions imposed by the Court. His availability can adequately be secured through appropriate conditions.

14. Having regard to the nature of the allegations, the role attributed to the petitioner, the disputed factual issues requiring investigation, the absence of demonstrated necessity for custodial interrogation, and the petitioner's undertaking to cooperate, this Court is of the considered view that the petitioner has made out a case for grant of anticipatory bail. The

protection shall, however, be subject to appropriate conditions securing his presence during investigation and addressing the apprehensions of the prosecution.

15. Accordingly, this Criminal Petition is allowed, subject to following conditions.

(A) The petitioner/Accused No.1 shall surrender before the Station House Officer, Uppal Police Station, Malkajgiri, on or before 24.09.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioner shall appear before the Investigating officer on every Tuesday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of his release on bail or until the filing of the final result, whichever is earlier.

(B) The petitioner shall remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(C) The petitioner shall furnish his complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioner shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

(E) The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioner liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

16. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case. Miscellaneous applications, if any pending, shall stand closed.

Date: 08.09.2026
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N.TUKARAMJI, J

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

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