

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.12491 of 2024

ORDER :

Petitioner/accused No.1 has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 seeking anticipatory bail in Crime No.1425 of 2024 of P.S. Narsingi, registered for the offences under Sections 328, 376(2)(n), 354-B and 354-C of IPC.

2. Heard Sri V.Ravi Kiran Rao, learned Senior Counsel appearing for petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for the State and perused the record.

3. The case of the prosecution is that the *de facto* complainant/victim moved from Mumbai to Hyderabad, in the year 2014, to pursue her career in the Telugu Film Industry and over time, she has gained recognition as a Producer. In the year 2022, the victim got acquainted with the petitioner/accused No.1. The petitioner/accused No.1 proposed a movie idea claiming that he would be the Director and Hero and the victim is the Producer

and Heroine of the movie. On 16.03.2023, the petitioner/accused No.1 has invited the victim to his villa for script discussion and during the meeting, he has given her a drink, due to which, she became intoxicated and lost consciousness. Taking advantage of the same, the petitioner/accused No.1 has forcibly participated in sexual intercourse with the victim and filmed the entire incident. Thereafter, he blackmailed the victim and several times participated in sexual intercourse with her. When the victim informed the matter to the father of petitioner/accused No.1, the petitioner/accused No.1 has promised to marry her, which led her to co-habit and participate in sexual intercourse with him under the belief that he would marry her. After completion of movie shooting, on 17.09.2023, the Teaser was released. Thereafter, the petitioner/accused No.1 has forced the victim to transfer the copyrights of the film on his name. When she refused for the same, he threatened that he would not marry her, unless and until his demand was fulfilled and also blackmailed to circulate her nude photographs and videos in social media. The

petitioner/accused No.1 has manipulated her voice to create false evidence against her and also to defame her.

4. Learned Senior Counsel appearing for petitioner/accused No.1 submits that the petitioner/accused No.1 is a very prominent Youtuber and Social Media Activist, involved in philanthropic activities and has more than 4 crores of followers in social media. He further submits that though the alleged incident has occurred on 16.03.2023, the victim has lodged the present complaint on 24.09.2024 i.e., with a delay of 1½ years and the reason for such inordinate delay is not explained, which raises a doubt regarding its genuineness and the relationship between the petitioner/accused No.1 and victim is consensual in nature. The victim has never lodged any complaint either to the MAA Association or Internal Complaints Committee or to the Producers Guild. He further submits that the victim requested the petitioner/accused No.1 to offer security for providing finance to a movie and when he refused to act as surety, the present complaint is foisted against him with all false allegations, to blackmail him and disrepute his image. He further submits that

the petitioner/accused No.1 has neither assaulted nor blackmailed the victim or demanded for transfer of copyrights of the movie in his name, hence, the ingredients of the offences alleged against him are not at all attracted. He further submits that the petitioner/accused No.1 will co-operate with the investigation, and hence, prayed for grant of anticipatory bail.

5. The learned Additional Public Prosecutor opposed the application stating that serious allegations are levelled against the petitioner/accused No.1. As the investigation is in progress, if the petitioner/accused No.1 is released on bail at this stage, he may tamper with the evidence and may threaten the victim and other witnesses. Hence, prayed to dismiss the petition.

6. In this case, it is relevant to refer to the judgment of the Hon'ble Supreme Court in *Ansaar Mohammad v. The State of Rajasthan*¹, wherein, it is held that in the event of the complainant/ victim willingly staying in a relationship with the appellant, and thereafter, if the relationship did not work out, eventually, no offence under Section 376 (2) (n) of IPC is made

¹ 2022 Live Law (SC) 599

out. Further, in the case of *Shambhu Kharwar v. State of Uttar Pradesh*², the Hon'ble Supreme Court held that since the relationship between the parties was purely consensual and as the complainant was aged 32 years, she was aware of the consequences of her actions, the ingredients of the offence of rape were not made out.

7. Having heard both sides and perused the material on record, it appears that there is delay in lodging the complaint and the reason for such inordinate delay is not at all explained. Admittedly, the victim and the petitioner/accused No.1 have participated in consensual sex over a considerable period of time. In view of the same, the aforesaid judgments are squarely applicable to the facts of the present case, as in this case also, the *de facto* complainant/victim had moved with the petitioner/accused No.1 with her own consent. As per the evidence on record, since the *de facto* complainant/victim is aged 36 years, she is matured enough to take her own decisions. Therefore, *prima facie*, this Court is of the considered view that the

² (2024) 3 SCC 496

petitioner/accused No.1 alone cannot be made liable for the consensual acts, which is a subject matter of trial. In the said circumstances, the petitioner/accused No.1 can be granted anticipatory bail subject to the following conditions:

- i. The petitioner/accused No.1 shall surrender before the Station House Officer, P.S. Narsingi, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner/accused No.1 on bail on executing a personal bond for Rs.20,000/- with two sureties, for the like sum each.**
- ii. The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.**

Petition is accordingly allowed.

JUVVADI SRIDEVI, J

Date: 30.10.2024

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