

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13039 of 2024

ORDER :

This criminal petition is filed by the petitioner/accused under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short 'BNSS') seeking regular bail in Crime No.157 of 2024 of Arvapally P.S., Suryapet District, registered for the offences punishable under Sections 376(2)(n), 417 and 312 of IPC and Section 3(2)(V) of SC/STs (POA) Act, 1989.

2. Heard Ms. M.Saritha, learned counsel appearing for petitioner and Mr. Syed Yasar Manoon, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution, in brief, is that the *de facto* complainant/victim was doing Internship in Baby Care Hospital, Suryapet and the petitioner/accused was working as a Lab Technician in the same hospital and both of them got acquainted with each other. On the false promise of marriage, the petitioner/accused has participated in sexual intercourse with the victim. Thereafter, the petitioner/accused refused to marry the victim.

4. The learned counsel for the petitioner would submit that both the petitioner and victim are majors and the relationship between them is consensual. Since the parents of petitioner denied for his marriage with victim, the petitioner refused to marry victim. Now the petitioner is ready to marry victim girl. He further submitted that investigation is already completed and charge sheet is also filed before the concerned Court. Hence, prayed for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor opposed the application stating that the offence committed by the petitioner is heinous and serious allegations are levelled against the petitioner.

6. Having heard both sides and perused the material on record, it appears that the petitioner and victim are in relationship since one year and both the petitioner and victim are majors and the relationship between them is consensual. When the petitioner refused to marry the victim, the present complaint is lodged. Furthermore, investigation is already completed and charge sheet is also filed before the Court concerned. In the said circumstances, this Court is of the considered view that it is a fit case for grant of bail, subject to following conditions:

- i. The petitioner/accused shall be released on bail on his executing a personal bond for Rs.25,000/- with two sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate, Thungathurthy.
 - ii. The petitioner/accused shall abide by the conditions stipulated under Section 480 (3) of BNSS.
7. Accordingly, this Criminal Petition is allowed.
- Miscellaneous applications, pending if any, shall stand closed.

K. SUJANA, J

Date: 13.11.2024
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