

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13160 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused in Crime No.347 of 2024 of Chatrinaka Police Station for the alleged offence under Sections 417, 376 (2) (n), 506 of the Indian Penal Code, 1860 (for Short "IPC").

2. The brief facts of the case are that on 23.10.2024 at 11:50 hours Police Chatrinaka received Zero-FIR vide 06/2024, dated 20.10.2024 from P.S. Jawahar Nagar, Rachakonda Commissionerate wherein the allegations against the petitioner are that the complainant studied Degree in Badruka College of Commerce at Kachiguda from 2015 to 2018, during that period she got acquaintance with her classmate/petitioner herein and in the year 2018 the petitioner expressed his love and proposed her for marriage, upon liking his behavior, she accepted his proposal and thereafter they started roaming in different places.

Meanwhile, several times petitioner forcefully asked for physical relationship but she denied and in the month of April, 2022, petitioner called her to come to his house at Gowlipura, Chatrinaka and promised her to get married and forcibly participated in sexual intercourse with her and thereafter he participated sexual intercourse with her for several times at his house and sometimes at Shamirpet area resort on pretext of love and marriage. Thereafter they went to Pune for job and they both lived together and whenever she raised the topic of marriage, he delayed by stating that he wants to get settle in life and in the meanwhile she became pregnant, then he requested to use pills and abort the baby by stating that there is much life ahead. It is further case that the de facto complainant requested him to let his parents come to her house for marriage proposal then in the month of September, 2024 his parents went to her house and stated that their daughter is roaming with his son and he do not like her and insisted to leave him and when she questioned the same to the petitioner, he stated that he don't need her now and threatened to leave him alone. Basing on which, police registered the present crime.

3. Heard Sri R. Prashanth, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner submitted that there is two years delay in registering the case against the petitioner herein. The relationship whatever stated by the de facto complainant is consensual relationship and does not fall under 376 of IPC. It is further contention that the de facto complainant received Rs.10,00,000/- from the petitioner in the year 2018 and since then she has been in friendship with the petitioner and whenever she wants money the petitioner provided as he is gold swan and taking advantage of the same, she is calling the petitioner through whatsapp and maintaining relationship with another person. Therefore, there is no truth in the complaint lodged by the de facto complainant and hence, prayed for grant of anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor submitted that the investigation is in progress and three witnesses are examined and if the arrest of the petitioner is

denied, the petitioner may abscond. Accordingly, he prayed to dismiss the petition.

6. Having heard the learned counsel for the petitioner and learned Additional Public Prosecutor, it is apparent that there is delay of two years in lodging the report with the police and the facts shows that there is consensual relationship between the petitioner and de facto complainant. The material witnesses like de facto complainant and other two witnesses are already examined and there is delay of two years in lodging the report with the police, this Court is of the considered view that it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S. Chatrinaka, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a

personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required or till filing of charge sheet, whichever is earlier.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date:04.12.2024
VRKS

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