

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13194 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused No.1 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail in Crime No.471 of 2024 of P.S. Sangareddy Rural, registered for the offences under Sections 127 (2), 64 r/w. 62 and Section 351 (2) (3) Bharatiya Nyaya Sanhita.

2. Heard Sri Palle Sriharinath, learned counsel appearing for the petitioner and learned Additional Public Prosecutor for respondent - State.

3. The learned counsel for the petitioner submitted that as per the prosecution case on 05.09.2024 at about 12-00 hours, the *de facto* complainant left home for collecting "Thummi Kura" Mean time, the petitioner came to her and offered to have tea at his house at Hanuman Nagar, held her hand and attempted to commit rape on her. She made hue and cry to rescue her, but a woman who was residing in the said house locked the room from outside. Later, at about 5-00 PM, her elder brother-in-law came

to the room and opened the lock. Basing on the report, the above Crime was registered.

3.1. Learned counsel for the petitioner further submitted that the petitioner was innocent of the offences alleged. The incident occurred one day prior to the lodging of the report, but no explanation for delay was given by the *de facto* complainant. The ingredients of the offences would not attract to the facts and circumstances of the case. He further submitted that the petitioner was arrested on 06.09.2024 and he was in custody for the past 62 days and prayed to enlarge the petitioner on bail.

4. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner attempted to commit rape on a woman.

5. Considering the facts and circumstances of the case, as the victim is stated to be an adult woman of 35 years old and as per her report, she voluntarily accompanied to the house of the accused when he offered her tea at his house and stated that when he held her hand, she raised hue and cry, but a woman locked her in the room and the villages though witnessed the

incident did not intervene. The whole story appears unbelievable. Furthermore, considering that there is a presumption of innocence in favor of the petitioner / accused until his guilt is proved during the course of the trial, and considering the fact that he has been in custody for the last 62 days, it is deemed fit to grant bail to the petitioner.

6. In the result, this Criminal Petition is allowed, directing the petitioner – accused No.1 to be released on bail, subject to the following conditions:

- i) The petitioner - accused No.1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the Additional Judicial First Class Magistrate at Sangareddy.
- ii) The petitioner – accused No.1 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

Dt: 07.11.2024
lk