

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13540 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.573 of 2024 of Chilkaalguda Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that while the victim was studying Intermediate second year, accused proposed her and made promise to marry her. Thereafter, they both participated in consensual sexual intercourse. Later, when the victim avoided the accused after knowing about his bad habits, the accused threatened her and sent their personal photos, videos to the relatives of the victim. Hence, a case was registered vide Crime No.573 of 2024 before the Chilkaalguda Police, Hyderabad, for the offences punishable under Sections 64, 78, 351(2), 318(4) of the BNS and Section 67(A) of IT Act.

3. Heard Sri Gajula Prem Kumar, 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-State.

4. Learned counsel for the petitioner *firstly* submitted that Section 64 of the BNS is not applicable to the petitioner as both the victim and petitioner have participated in consensual sexual intercourse. He *secondly* submitted that since the parents of the victim are not willing to perform marriage of the victim with the petitioner, who belongs to schedule caste, a false case is lodged against the petitioner. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 04.10.2024, causing undue hardship to his family. The allegations are false and fabricated. The petitioner is resident of Tilak Nagar, Amberpet, Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.4951 of 2024, was dismissed by the X Additional Sessions Judge at Hyderabad, on 29.10.2024, without valid reasons. Therefore, he prayed the

Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that not only the petitioner threatened the victim but also sent their personal videos and photos to her relatives. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the learned counsel and reviewing the record, the allegation against the petitioner is that the petitioner proposed the victim and used to follow the victim by promising to marry her and when she avoided him, he sent their personal videos and photos to her relatives. Whereas, the consent was given under the promise of marriage and the averments of the complaint do not disclose that the petitioner refused to marry the victim. Hence, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)

each, with two sureties for a like sum each to the satisfaction of the X Additional Chief Judicial Magistrate at Secunderabad.

- ii. 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.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 19.11.2024
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3

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