

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13627 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 482 of BNSS for grant of anticipatory bail in Crime No.861 of 2024 dated 13.09.2024 on the file of the Police Station S.R. Nagar, Hyderabad, registered for the offence punishable under Sections 69 of Bharatiya Nyaya Sanhita (for short 'BNS')

2. The facts of the prosecution case in brief were that the *de facto* complainant lodged a report before the S.R.Nagar Police Station on 13.09.2024 at 15:00 hours, stating that she was in relationship with the petitioner for the past eight years and that the relationship was good for the first four years. Later, the petitioner/accused started talking to another girl in social media and she restricted him, as such, he felt that she was objecting his freedom. She further stated that she was in physical relation with the petitioner on several occasions. Thereafter, he started ignoring her and telling her that their relationship would not work out and that he was not willing to marry her. He used her physically, mentally, emotionally and financially and when she asked him about the marriage, he refused to marry her.

3. Basing on the said report, the above crime was registered against the petitioner herein.

4. Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioner submitted that both the *de facto* complainant and petitioner were family friends, out of family relation, the complainant used to visit the house of the petitioner family. The petitioner was aged about 21 years and the *de facto* complainant was aged about 22 years. The *de facto* complainant made a proposal to marry the petitioner. When the petitioner refused to marry her as she was elder than the petitioner she lodged the present report. It was highly impossible for the petitioner to meet the *de facto* complainant physically in her hostel premises.

5.1. He further submitted that the father of the complainant was working as a Head Constable in Police Department at outpost, Bhuwanagiri and taking advantage of the same, the *de facto* complainant was harassing the petitioner to marry her. The father of the petitioner was working as a watchman in night shift. The petitioner had the entire family responsibility. He did his Polytechnic Diploma in Chemical Engineering in State Board of Technical Education and Training, Andhra Pradesh and he was working as an Event Planner. He was residing along with his parents. He was having an unmarried elder sister.

There was no iota of truth in the allegations made against the petitioner and prayed for grant of anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that as per the allegations made by the de facto complainant in her report, the petitioner exploited her sexually, physically and financially and after having physical relation with her, refused to marry her. Investigation need to be conducted with regard to the allegations made by the de facto complainant and opposed grant of anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case, as the *de facto* complainant was a major, educated woman of 22 years of age and she entered into physical relationship with the petitioner/accused with the full knowledge of the consequences of her act and every physical relationship which would not fructuate into marriage cannot be considered as a criminal offence, it is considered fit to enlarge the petitioner-accused on anticipatory bail on certain conditions.

8. In the result, the Criminal Petition is allowed directing the petitioner to surrender himself before the SHO of SR Nagar Police Station, Hyderabad within two weeks from the date of this order and on such surrender, he shall be released on bail on his executing a personal bond of Rs.25,000/- (Rupees

Twenty Five Thousand Only) with two sureties for a like sum each to the satisfaction of the S.H.O., S.R. Nagar Police Station, Hyderabad. The petitioner/accused shall comply with the conditions laid down under Section 482(2) of B.N.S.S and shall appear before the Investigating Officer as and when his presence is required for conducting the investigation.

As sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G.RADHA RANI, J

Dated 26.11.2024

HFM/FM

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