

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13875 of 2024

ORDER :

This criminal petition is filed by the petitioner/accused No.2 under Section 482 of Bharatiya Nagarik Suraksha Sanhitha (for short 'BNSS') seeking anticipatory bail in Crime No.891 of 2024 of P.S. Meerpet, registered for the offences punishable under Sections 376(2)(n), 313, 417, 420 and 506 of IPC.

2. Heard Sri. M.V.Hanumantha Rao, 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 is a married woman, having 4 years old son. Accused No.1 got acquainted with the victim through Facebook. The husband of victim used to harass her frequently over petty issues and she informed the same to accused No.1. Taking advantage of the same, on the false promise of marriage, accused No.1 has participated in sexual intercourse with the victim, due to which, she became pregnant and blessed with a baby girl. The petitioner/accused No.2,

who is the mother of accused No.1, assured to perform the marriage of victim with accused No.1, thereafter, accused No.1 and petitioner/accused No.2 denied for the marriage and also threatened the victim with dire consequences.

4. The learned counsel for the petitioner would submit that the petitioner/accused No.2 is in no way concerned with the offences alleged and she never assured to perform the marriage of victim with accused No.1. In fact, the victim is a married woman, having children and without obtaining divorce, she cannot contract second marriage, hence, the question of petitioner/accused No.2 assuring to perform her marriage with accused No.1 does not arise. He further submitted that there are no specific allegations against the petitioner/accused No.2 and the offences under Sections 376(2)(n) and 313 of IPC are not at all attracted against her. Hence, prayed to grant anticipatory bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioner stating that specific allegations are levelled against the petitioner/accused No.2. He further submitted that investigation is completed and charge sheet is already filed before the Court concerned and S.C. number is awaited.

6. Having regard to the submissions made by both the learned counsel and perused the material on record, *prima facie*, no specific allegations are levelled against the petitioner/accused No.2 and the offences under Sections 376(2)(n) and 313 of IPC are not attracted against the petitioner/accused No.2. Furthermore, investigation is completed and charge sheet is also filed before the Court concerned. In the said circumstances, the petitioner/accused No.2 can be granted anticipatory bail subject to the following conditions:

- i. The petitioner/accused No.2 shall surrender before the Station House Officer, P.S. Meerpet, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, this Criminal Petition is allowed.

K. SUJANA, J

Date: 02.12.2024

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