

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13940 of 2024

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner/accused in Crime No.266 of 2024 of Gadwal Town Police Station, Jogulamba Gadwal District.

2. The brief facts of the case are that the complainant, Md. Noori Habbaba, a 24-year-old B.Ed student, alleged that she was in relationship with petitioner/Md. Rafik, a resident of Konderu village, for three years. They lived together near Gadwal bus stand for two and a half years, during which they had a physical relationship. However, when she asked him to marry her, he denied, claiming his parents were searching for another match. He allegedly sent her a picture of another woman via WhatsApp and threatened to kill her if she contacted him frequently. Based on her complaint, a case was registered at Kollapur Police Station as Zero FIR under Sections 376, 417, and 420 IPC, and later transferred to Gadwal Town PS, where it was registered as Crime No. 266 of 2024.

3. Heard Sri P.Animi Reddy, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that the allegations made in the complaint are false and incorrect, and that the petitioner did not commit any offence as alleged. He contended that there was no love affair between the petitioner and the complainant, and that the petitioner never promised to marry her. He averred that the complainant is 24 years old, and even if all allegations are taken as true, no offence of cheating or rape is made out against the petitioner, and asserted that petitioner is preparing for competitive exams and has no connection to the allegations. Therefore, prayed this Court to allow the Criminal Petition stating that the petitioner is entitled to pre-arrest bail.

5. Learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner and contended that there are serious set of allegations leveled against the petitioner and further, the investigation is not yet completed. He further submitted that this stage, granting of

pre-arrest bail to the petitioner, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Considering the submissions made by both the learned counsel and a perusal of the material available the record, it is to be noted that the petitioner and the de facto complainant had been living together for two years. When the petitioner refused to marry the complainant, she filed the present complaint alleging rape. Notably, there is a delay of two years in filing the complaint. Since the material part of the investigation is completed, and considering the facts and circumstances of the case, the Court deems it fit to grant anticipatory bail to the petitioner with the following conditions:

- i. The petitioner shall surrender before the Station House Officer of Gadwal Town Police Station, Jogulamba Gadwal District, 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 Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 09.12.2024
SAI

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