

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14609 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner/accused in Crime No.399 of 2024 of Madhapur Police Station.

2. The brief facts of the case are that the complainant, an HR Manager at a US-based IT company in Hyderabad, alleged that petitioner/Varun Reddy, her former colleague, proposed to her in May 2022, and they got physically intimated. However, he soon began harassing her, demanding costly gifts and expenses, and blackmailing her with intimate photos and videos. Despite her attempts to distance herself, including filing a case against him and moving to Dubai, petitioner continued to threaten and harass her. Following her father's death on January 8, 2024, the complainant returned to Hyderabad, where petitioner forced her to compromise the earlier case. On January 11, 2024, he visited her residence, scratched her shoulders, and raped her, fleeing when she shouted for help. Based on the said complaint, the police registered a case under Sections 376(1), 448, 342, 323, and 506 IPC.

3. Heard Sri Kalyan Dileep Sunkara, 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 petitioner is innocent of the alleged offenses and has been falsely implicated in the case. He contended that the allegations in the FIR do not satisfy the ingredients required for charging an offence under Sections 376(1), 448, 342, 323, 506 IPC, and there is no *prima facie* material to show the involvement of petitioner in the case. He asserted that the case filed against the petitioner is a result of a broken relationship between the petitioner and the de-facto complainant, who has been harassing the petitioner with false complaints. In support of his contentions, he relied on the judgment rendered by the Delhi High Court, whereunder, anticipatory bail was granted to the accused, who was alleged to have committed rape on the de-facto complainant in a broken live-in relationship. He lamented that the de-facto complainant has changed her statement multiple times, and the police have registered an FIR without conducting a preliminary investigation. Therefore, prayed this Court to allow the Criminal Petition stating that the petitioner is entitled to pre-arrest bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the allegations leveled against the petitioner are serious in nature, and the investigation is not yet completed, as such, at this stage, granting of pre-arrest bail to the petitioner does not arise and 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 on record, it is to be noted that there are discrepancies in the complaint and the 164 statements, indicating difficulties with the complaint. Additionally, the complaint itself reveals a prior physical relationship between the petitioner and the de facto complainant, who had previously lodged a complaint that was later compromised. In these circumstances, the Court deems it fit to grant pre-arrest bail to the petitioner with the following conditions:

- i. The petitioner shall surrender before the Station House Officer of Madhapur Police Station, Cyberabad Commissionerate, 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 and Wednesday between 11:00 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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