

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14932 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.1219 of 2024 of Meerpet Police Station, Rachakonda, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 28.10.2024 at 20.45 hours, the *de-facto* complainant lodged a report stating that the *de-facto* complainant's family migrated to Hyderabad from their native place and residing at Hanuman Nagar, Meerpet since 6 months by working as Watchman and her husband is doing mason work with accused, who is builder for construction works, and said accused used to talk with the complainant. On 27.10.2024 at about 15.30 hours, in the absence of her husband, the said accused came to her house and caught hold her hands and took her into construction building and forcibly participated in sexual intercourse with her. Hence, a case was registered *vide* Crime No.1219 of 2024 before the Meerpet Police Station, Rachakonda, for the offences punishable under Section 64(2) of Bharatiya Nyaya Sanhitha, 2023.

3. Heard Sri Rapolu Bhaskar, 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 the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *thirdly* submitted that the petitioner has been in judicial custody since 30.10.2024, which causing undue hardship to their family and that the allegations are false and fabricated. He *fourthly* submitted that the petitioner's wife is cancer patient and undergoing for chemo therapy and has two minor children, who are below 10 years and his presence is necessary for children whenever his wife undergone for chemo therapy and petitioner is permanent resident of Meerpet, Balapur, Ranga Reddy District, with movable and immovable properties, and are willing to furnish sureties as directed and material part of the investigation is completed. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.626 of 2024, was dismissed by the XIII Additional District and Sessions Judge, Ranga Reddy District, L.B.Nagar,

on 19.11.2024, without valid reasons and 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 there are serious allegations against the petitioner and the investigation is not yet completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions made by both the parties and reviewing the record, it is apparent that the petitioner is languishing in jail from 30.10.2024 and material part of the investigation is completed, 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 VI Additional Metropolitan Magistrate, at L.B.Nagar.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, 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: 24.12.2024

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