

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14973 of 2024

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, who is arrayed as accused in Crime No.599 of 2024 before the Jadcherla Town Police Station, Mahabubnagar District.

2. The brief facts of the case are that on 16.09.2024 the complainant lodged a complaint before the Police stating that she was married to Venkataiah 18 years ago, but they got separated due to internal issues when she was six months pregnant. For the past eight years, she has been living with Utkoor Goutham, and though he promised to marry her, he has allegedly sexually exploited and blackmailed her, and also threatened to release their intimate videos online. When she asked him to delete the videos, he left her, taking his phone with him. The complainant seeks action against Goutham for his actions.

3. Heard Sri Rajagopallavan Tayi, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of respondent No.1- State.

4. Learned counsel for the petitioner submitted that the *de facto* complainant made a false complaint against the petitioner with an intention to extort money from him. He contended that the offences under Sections 69 BNS Act, 3(2)(Va) SC/ST Act, and 67 ITA Act do not apply in the case of petitioner, as the complainant was in a consensual relationship and there is no evidence of publication or circulation of obscene videos. He lamented that the petitioner has supported the complainant financially and taken care of her welfare and that their relationship was consensus. Therefore, he prayed the Court to grant anticipatory bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the bail petition stating that the allegations leveled against the petitioner are heinous in nature, and that the

investigation in the case is not yet completed. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the allegations leveled against the petitioner in the complaint and in the statements recorded under Section 164 Cr.P.C., would show that complainant is a married women and has a child and that she left her marital home and was residing with her parents while working in a pharmacy company. Admittedly, the complainant is married to another person and has a child and she got acquaintance with the petitioner eight years ago.

7. The primary allegation leveled against the petitioner is that he used to videograph in his phone the physical relationship that he developed with complainant and when complainant questioned as to why he records videos, he had reluctantly answered that he would not marry her and instigated her to do whatever she wants to do. That being so, it can be said that the relationship between the petitioner and complainant was consensual relationship. That apart, as the

complainant was already married to some other person and also had a child, it cannot be said that under the promise of marriage, the petitioner has compelled her to develop physical intimacy with him. Further, it is neither the case of complainant, nor the case of prosecution that the petitioner has released or uploaded any obscene videos of complainant in the online platforms.

8. In view thereof, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to compliance of following conditions, and ensuring his presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer, Jadcherla Town Police Station, Mahabubnagar District, within two weeks from today, and on such surrender, the said Station House Officer shall release them 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.

9. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 17.12.2024
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