

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15124 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for granting of pre-arrest bail to the petitioner, who is arrayed as accused No.2 in Crime No.900 of 2024 before the Jubilee Hills Police Station, Hyderabad.

2. The brief facts of the case are that on 01.11.2024 at 14.30 hours, the LW.1/*de-facto* complainant who is the mother of the victim lodged a report before the Jubilee Hills Police Station stating that she has one daughter and one son. Her daughter who was aged around 17 years was missing on 31.10.2024 and after two days, she returned back to home on 06.11.2024. She took her to Police Station, who sent her to 'Bharosa Center' and there, the victim girl revealed that accused No.2 induced accused No.1 to commit rape on victim girl. Accused No.1 took her to 2nd floor of the building and wrongfully confined her and had sexual intercourse with her multiple times, till 04.11.2024. Hence, the case was registered vide Crime No.900 of 2024 before Jubilee hills Police Station, Hyderabad, for the offences

punishable under Sections 137(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. Heard Sri P. Krishna Prakash, learned counsel for petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and she is no way concerned with the alleged offences. Learned counsel for the petitioner *secondly* submitted that petitioner is car owner and accused No.1 is her car driver and even assuming that her car driver/employee commits a criminal offence, the petitioner being owner/employer cannot be held vicariously liable for the same. He *lastly* submitted that previously, bail application of the petitioner, vide CrI.M.P.No.5351 of 2024, was dismissed by the Special Judge for Trial of cases under Protection of Children from Sexual Offences (POCSO)-Cum-XII Additional Sessions Judge, Hyderabad, on 02.12.2024, without valid reasons and 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 submissions made by the learned counsel for the

petitioner stating that the serious allegations are levelled against the petitioner and 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. Having regard to the rival submissions made and on going through the material placed on record, the petitioner is car owner and the averments of the complaint do not constitute the offences under 3(1) (w) (i) of SC/ST (POA) Act, against the petitioner. Pertinently, the material part of the investigation is completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S. Jubilee Hills, within two weeks from today, and on such surrender, the said Station House Officer shall release her on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 26.12.2024
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