

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15651 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 who is arrayed as accused in Crime No.271 of 2024 of Gandhinagar Police Station, Hyderabad.

2. The brief facts of the case are that on the false promise of marriage, the accused has forcibly assaulted the victim sexually and threatened her with dire consequences. Later, though the accused married another girl, the accused harassed the victim to marry him as he gave divorce to his first wife. Hence, a case was registered *vide* Crime No.271 of 2024 of Gandhinagar Police Station, Hyderabad, for the offences punishable under Sections 376(2)(n), 417, 420 of IPC.

3. Heard Sri J.Vishnu Vardhan, 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 *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that there is consensual relationship between the accused and the victim. He *thirdly* submitted that the present case was filed against the petitioner with false and fabricated allegations. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.5459 of 2024, was dismissed by the XI Additional Sessions Judge for Fast Tracking the Cases relating to Atrocities against Women-II, Hyderabad, on 05.12.2024, without valid reasons and prayed the Court to grant of 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 allegation leveled against the petitioner is heinous in nature and the investigation is not yet completed and therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it appears that the relationship

between the parties was purely consensual. It is pertinent to note that 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.Gandhi Nagar, Hyderabad 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.
- i. The petitioner shall cooperate with the trial proceedings by appearing before the concerned Court whenever his presence is required as the charge sheet is filed before the concerned Court.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 24.12.2024

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