

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15725 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.309 of 2023 of Devarkadra Police Station, Mahabubnagar.

2. The brief facts of the case are that the accused trespassed into the house of the *de-facto* complainant and started arguing with the *de-facto* complainant over the land dispute. Upon noticing that the *de-facto* complainant is alone in the house, the accused forced her to fulfill his sexual desires by beating her, due to which, the *de-facto* complainant fell down on the ground and on seeing the same, the accused runaway. Hence, a case was registered vide Crime No.309 of 2024 before the Devarkadra Police Station, Mahabubnagar, for the offences punishable under Sections 452 and 354 of IPC.

3. Heard SriL.Harish, 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 wife of the petitioner filed a case against the *de-facto* complainant and her husband vide Crime No.307 of 2023. He *thirdly* submitted that though Police registered the case in Crime No.307 of 2023. He *thirdly* submitted that since W.P.No.34000 of 2024 which was filed for inaction of the Police in Crime No.307 of 2023, was disposed of after filing the charges sheet, the *de-facto* complainant deliberately filed the present complaint against the petitioner with false and fabricated allegations. He *lastly* submitted that petitioner is the only breadwinner of his family and is willing to furnish sureties as directed by the Court 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 allegations leveled against the petitioner are serious in nature and the investigation is not yet completed, 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 apparent that there is land dispute and that the wife of the petitioner filed a case against the *de-facto* complainant and her husband vide No.307 of 2023 and after completion of the investigation, charge sheet was filed in the said crime. 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.Devarkadra within four 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 petitioners 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 petitioners 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: 23.12.2024

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