

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15904 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.263 of 2024 of Mirchowk Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the accused despite participating in sexual intercourse with the victim, he also threatened her with dire consequences by morphing her personal photos and videos. It is stated that the accused committed rape on the victim in 2022 and 2024 and harassing her to give divorce to her husband. Hence, a case was registered vide Crime No.263 of 2024 before the Mirchowk Police, Hyderabad, for the offences punishable under Sections 384, 506 and 376 of the IPC.

3. Heard Sri Khaja Vizarat Ali, 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 though there is consensual relationship between the accused and the victim in 2022, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 12.12.2024, causing undue hardship to his family. He *lastly* submitted that the petitioner is resident of Yakuthpura, Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed 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 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 from both the parties and reviewing the record, it is apparent that the petitioner and the victim are in consensual relationship in the year 2022. Hence, since the petitioner is languishing in jail from 12.12.2024 and also material part of 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 VIII Additional Chief Judicial Magistrate at Nampally, Hyderabad.
- 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: 31.12.2024
gms

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