

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.197 of 2025

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 No.1 in FIR.No.308 of 2024 before the Bhoothpur Police Station.

2. The brief facts of the case are that a complaint was received against the petitioner and other accused stating that the complainant and accused persons, hail from the same village and belong to the same community, were involved in a romantic relationship for three years. The complainant accepted the love proposal of petitioner, and he subsequently took her to a room of his friend in Mahabubnagar, where he engaged in sexual intercourse with her on the pretext of marriage. Over the next two years, the petitioner continued to visit the home of the complainant in the absence of her family, engaging in sexual intercourse with her under the promise of marriage. However, later the petitioner refused to

marry the complainant. On receipt of the said complaint, the Police registered crime against the petitioner for the offence punishable under Sections 64(2), 318(4), 115(2) read with Section 49 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'). Aggrieved thereby, this criminal petition is filed.

3. Heard Sri Dr. K.Krishnaiah, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offences and has been falsely implicated by the police for statistical purposes. He contended that there is no *prima facie* case against the petitioner, and that the allegations in the FIR are baseless. He lamented that the police completed the investigation, and that there is no evidence to support the charges alleged against the petitioner. He asserted that the petitioner is a permanent resident and has not absconded, and that though the complainant had compromised the matter through letter dated 04-11-2024, the police refused to consider the same. He averred that the petitioner is an educated individual

preparing for competitive exams and fears that arrest will cause irreparable loss and damage to his reputation. Therefore, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner, stating that as per the complaint averments the petitioner engaged in sexual intercourse with the complainant on the pretext of marriage but later refused to marry her. 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 relationship between the petitioner and complainant was in existence from last three years, and there is no dispute regarding the same even from the end of complainant herself, as such, it can be said that their relationship was consensual relationship, whereas, it is specifically alleged that the petitioner has intentionally obtained consent from the complainant under the guise of marriage and later refused to

marry her. However, it is noticed that there is a long gap between the date of offence as alleged against the petitioner, and the date of complaint. Considering the same, this Court grants pre-arrest bail to the petitioner, subject to compliance of following conditions:

- i. The petitioner shall surrender before the Station House Officer, Bhoothpur Police Station, within 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.
- 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.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the

charge sheet and thereafter, as and
when required.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 23.01.2025
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