

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1578 of 2025

ORAL ORDER:

Seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.165 of 2025 of Vanasthalipuram Police Station, Rachakonda Commissionerate, on bail, the present Criminal Petition is filed.

2. The case of the prosecution is based on a complaint filed by the victim on 30.01.2025, stating that she met the petitioner, Siddarth, on Instagram a year ago and they began a romantic relationship. Siddarth proposed marriage, and they had sexual intercourse on two occasions, in August 2023 and January 2024, with Siddarth allegedly forcing himself on her. When the victim later asked Siddarth to marry her, he threatened to not marry her, blocked her number, and stopped responding. The victim alleged that Siddarth cheated her in the name of love and marriage, leading the police to register a case under Section 376 of the IPC and Section 69 of the BNSS Act, 2023.

3. Heard Sri V. Vijay Shankar, 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
- State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the crime and a case under Section 69 of the BNS Act cannot be registered against him, as the alleged offence occurred before the enactment of the BNS Act. He further submitted that the petitioner has no criminal record and was wrongly arrested due to extraneous reasons. The petitioner was arrested on 31.01.2025, and his continued detention will cause undue hardship. Therefore, he 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 allegations leveled against the petitioner are serious in nature. Therefore, at this stage, granting of bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it is evident that the BNS Act was not in force in January, 2024, and there was a delay in filing the complaint. Given that the petitioner has been incarcerated since 31.01.2025, and the material

investigation is completed, this Court finds it appropriate 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 learned VII Additional Judicial Magistrate of First Class, Hayatnagar.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, 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.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 07.02.2025
SAI

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