

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2727 of 2025

ORDER:

Seeking the Court to enlarge the petitioner in Crime No.385 of 2024 of Nizamabad I Town Police Station, Nizamabad District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that despite clear rejection by the victim, the accused assaulted the victim sexually on 13.05.2024 under the guise of love marriage by taking her to a lodge and threatened her with dire consequences. It is stated that on the alleged date of incident, the victim left without informing her mother. Hence, a case was registered *vide* Crime No.385 of 2024 before the Nizamabad I Town Police, Nizamabad District, for the offences punishable under Section 137(2) of the BNS. Thereafter, the Police altered the Section of law under Sections 87, 64(2)(m) of the BNS and Section 5 read with 6 of the POCSO Act.

3. Heard Sri Mohd Muzaferullah Khan, 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 *firstly* submitted that since the victim is not minor and is aged about 18 years on the date of alleged incident as per her date of birth certificate, the offence under Section 5 read with 6 of the POCSO Act do not attract against the petitioner. He *secondly* submitted that the victim voluntary left with the petitioner on the date of alleged incident. 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 07.12.2024, causing undue hardship to his family. He *lastly* submitted that the petitioner is resident of Nizamabad, 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 there are serious allegations against the petitioner and also 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 victim voluntary left with the petitioner on the date of alleged incident. Hence, since the petitioner is languishing in jail from 07.12.2024 and material part of investigation is also 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.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum each to the satisfaction of the I Additional Judicial First Class Magistrate, Nizamabad.
- 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: 28.02.2025
gms

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