

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3046 of 2025

ORDER:

This criminal petition is filed by the petitioner/Accused under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to grant regular bail to him in Crime No.109 of 2025 on the file of Jawaharnagar Police Station registered for the offence punishable under Sections 417, 376(2)(n) and 506 IPC.

2. Heard Sri G. Bheemachary, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

3. The case of the prosecution is that on 23.01.2025 at 2030 hours the victim filed a complaint in Jawaharnagar Police Station stating that her marriage took place on 09.06.2019 and out of wedlock she was blessed with a daughter. In July, 2023, she joined Target Fitness Studio, Sainikpuri, where she was acquainted with one Mires Gohar, MMA Coach and they were friendly. He promised her to take to UFC International Championship and on that ground he did not allow her to talk to any one in Gym. On 23.12.2023 after he went to the house of

the victim in the absence of inmates and promised to make her international champion and demanded to fulfill his sexual desire. When the victim refused, he forcibly sexually assaulted her and thereafter at several places and at her residence when she was alone, he sexually assaulted her. On 13.02.2024, believing the promise made by him that he will explain various plans to get various medals, she went to Taj Vivantha Hotel where he sexually assaulted. Unable to bear his torture, she along with family left for London in September, 2024. He used to call her frequently even at London and threatened her to come back to India, otherwise, he will kill her husband and kid. On 10.12.2024, she was forced to return to Hyderabad. The said Miresh Gohar sent an amount of Rs.20,000/- and also ticket for Manali stating that if she does not come to Manali he will post the photos and videos in social media and as such on 19.12.2024, she went to Manali, Himachal Pradesh and stayed till 30.12.2024 during which period also he sexually assaulted her several times. On 30.12.2024, after returning to Hyderabad, she narrated the entire facts to her husband and lodged the complaint. Basing on the said complaint, a case in Crime No.109 of 2025 was registered for the above said offences.

4. Learned counsel for the petitioner submits that the petitioner was falsely implicated in the present crime and he did not commit any offence much less the alleged offence as alleged in the complaint. He further submits that even according to the allegations made by the complainant, those allegations pertain to the year 2023-2024, but the complaint was lodged on 23.01.2025. He further submits that the ingredients of Section 376(2)(n) IPC are not applicable to the facts and circumstances of the case and that the petitioner was arrested on 29.01.2025 and since then he is in judicial custody and the entire investigation is completed except filing of charge sheet. The petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court. He further submits that the petitioner is not an accused in any other crime.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed a grave offence and the investigation is under progress. He further submits that 15 witnesses were examined and the entire investigation is not yet completed. Therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 29.01.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 15 witnesses were already examined.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on the following conditions:

(1) The petitioner/Accused is enlarged on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) with two sureties for a like sum each to the satisfaction of the X Additional Junior Civil Judge-cum-X Additional Metropolitan Magistrate, Medchal-Malkajgiri District at Medchal.

(2) The petitioner shall appear before the concerned SHO at 11:00 A.M. on every Monday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required.

(3) The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 19.03.2025
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