

THE HONOURBLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3216 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to, as 'the BNSS') by the petitioner/accused seeking anticipatory bail in Crime No.2 of 2025 of Undavelly Police Station, Jogulamba Gadwal District, for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2003 (hereinafter referred to, as 'the BNS').

2. Heard Mr. K. Devantha, learned counsel representing Mr. V. Nitesh, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 09.01.2025 at 3.00 p.m., the *de facto* complainant lodged a complaint stating that six years ago, she married one Nagendrababu and they separated within three months due to differences. Later, her relative i.e., the petitioner, who is the husband of her cousin, became acquainted with her and he promised to marry her, resulting the birth of their daughter Vijayadurga. Thereafter, the petitioner abandoned her and their daughter, despite repeated

requests for marriage. The petitioner deceived her with false promises, engaged in sexual relationship with her and ultimately deserted her. Basing on the said complaint, the police lodged the present crime.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated by the *de facto* complainant with an intention to harass the petitioner. The ingredients of Section 69 of the BNS are not applicable to the facts and circumstances of the case. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. The petitioner has small children and is the sole breadwinner of the family by doing small business. Hence, the petitioner may be granted anticipatory bail.

5. Learned Additional Public Prosecutor submitted that there are specific allegations against the petitioner. If the petitioner is enlarged on anticipatory bail, there is every chance to influence the witnesses and interfere with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, *prima facie* it reveals that there are no specific allegations

levelled against the petitioner to attract the provisions of Section 69 of the BNS. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) The petitioner is directed to surrender before the S.H.O., Undavelly Police Station, Jogulamba Gadwal District, on or before 18.03.2025 and on such surrender, he shall be enlarged on bail on executing a personal bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) with two sureties for a like sum each.
- (ii) On such release, the petitioner shall appear before the S.H.O., Undavelly Police Station, Jogulamba Gadwal District, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) The petitioner shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 12.03.2025

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