

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3407 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused, seeking bail in Crime No.7 of 2025 of Jainoor Police Station, Asifabad District, for the offences punishable under Sections 318(2), 318(4) and 64 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri M.Mallikarjuna Reddy, learned counsel, representing Sri Soma Ravi Kiran Reddy, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that this is a case of aggravated penetrative sexual assault upon a 23 years old woman repeatedly, occurred since last one year at Gudamamada Village of Jainoor Mandal, wherein the accused followed the victim woman since two years on the pretext of love and marriage, committed rape repeatedly upon her, as a result of which, the victim woman became pregnant of seven months old.

4. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged against him and he was falsely implicated in this crime. He further submitted that the ingredients of Sections 318(2), 318(4) and 64 of the BNS are not attracted to the petitioner. Even according to the allegations made in the complaint, the alleged incident took place two years back.

5. He further submitted that the petitioner was arrested on 13.01.2025 and since then he is in judicial custody. He also submitted that entire investigation is completed except filing of charge sheet. Moreover, the petitioner is willing to cooperate with the investigation and abide by the conditions, which are going to be imposed by this Court. Therefore, he prays to release the petitioner on bail.

6. On the other hand, learned Additional Public Prosecutor opposed the bail stating that the petitioner is involved in grave offence and the investigation is not yet completed. Therefore, he prayed to dismiss the bail petition.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 13.01.2025

and since then he is in judicial custody. According to learned counsel for the petitioner, majority witnesses were already examined. Considering the said facts and circumstances, this Court is inclined to grant bail to the petitioner on the following conditions;

- i) The petitioner/accused is enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the Principal Junior Civil Judge cum Prl. Judicial Magistrate of First Class at Asifabad.
- ii) The petitioner/accused shall appear before the concerned S.H.O. at 11-00 A.M. on every Monday, for a period of six (6) weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioner/accused shall abide by the conditions stipulated under Section 437(3) of Cr.P.C. (presently 480(3) of BNSS).

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.03.2025
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