

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3651 of 2025

ORDER:

This criminal petition is filed by the petitioner/accused under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge him on bail in Crime No.11 of 2025 of Hayathnagar Police Station, Rachakonda Commissionerate, registered for the offence punishable under Sections 69, 75(2), 87, 115(2), 351(2), 352 of Bharatiya Nyaya Sanhita (BNS) and Section 7 read with 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act").

2. The case of the prosecution is that on 03.01.2025 at 2000 hours, respondent No.2 gave a complaint stating that the petitioner by promising her that he would marry her, sexually abused her by living with her in relation and that he also sexually assaulted her two minor daughters and threatened them with dire consequences. Basing on the said complaint, a case in Crime No.11 of 2025 was registered for the above said offences.

3. Heard Sri B. Akash Kumar, learned counsel representing Sri Syed Ahmed, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that the ingredients of Section 7 read with 8 of the POCSO Act do not attract to the petitioner. He further submits that according to the allegations made by the complainant, there is relationship between the petitioner and the complainant since last 7 years and that 3 months back the petitioner committed offence against the minor children. He further submits that no such incident was occurred either on 31.12.2024 and the complainant lodged the present complaint with an intention to harass the petitioner. He further submits that the entire investigation is completed except filing of charge sheet and the petitioner was arrested on 05.01.2025 and since then he is in judicial custody and that 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.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and the investigation is under progress and that 14 witnesses were examined.

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 05.01.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 14 witnesses were examined.

7. Taking into consideration the facts and circumstances of the case and material part of investigation is completed, 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.50,000/- (Rupees Fifty Thousands only) with two sureties for a like sum each to the satisfaction of the XIV Additional

Metropolitan Magistrate, Ranga Reddy District at Hayathnagar.

(2) The petitioner/Accused shall appear before the concerned SHO at 11:00 A.M. on every Monday commencing from 07.04.2025 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/Accused 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: 25.03.2025
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