

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4193 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to, as 'BNSS') seeking bail to the petitioner/accused in Crime No.45 of 2025 of Bhupalapally Police Station, Jayashankar Bhupalapally, registered for the offence under Sections 64(1) and 87 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 3 r/w 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. The brief facts of the case are that on 18.01.2025, the complainant lodged a complaint stating that she has two daughters and her family is living by doing labour work and the petitioner, herself and her elder daughter are having well acquaintance and on 17.01.2025, the petitioner took her elder daughter to his friend room and forcibly participated in sexual intercourse, due to which she bleed profusely and her elder daughter got admitted in hospital. Basing on the same, Crime No.45 of 2025 was registered.

3. Heard Mr.B.Praveen, learned counsel representing Mr.Avula Sriramulu, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the present crime and he did not commit any offence. He further submitted that the ingredients of Section 64(1) of BNS are not attracted against the petitioner. He further submitted that even according to the Aadhar Card issued by the competent authority, victim is a major and the petitioner and victim fell in love and petitioner is ready to marry the victim. He further submitted that the mother of the victim lodged a complaint only to harass the petitioner and the petitioner was arrested on 10.02.2025 and since then he was in judicial custody and the material part of the investigation is completed. He further submitted that the petitioner is not having other criminal antecedents and the petitioner is ready to abide by the conditions, which are going to be imposed by this Court and he will cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave and the investigation is under progress. At this stage, if the petitioner is granted bail, he will interfere with the investigation and influence the witness. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 10.02.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 14 witnesses were already examined and no other criminal antecedents are reported against the petitioner.

7. Taking into consideration the said facts, this Court is inclined to grant bail to the petitioner/accused subject to the following conditions.

(i) The petitioner/accused shall be released on bail on executing a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Bhupalapally.

(ii) On such release, the petitioner/accused shall appear the concerned S.H.O. at 11.00 a.m. on every

Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

(iii) The petitioner/accused shall not try to influence any of the prosecution witness in any manner or directly or indirectly try to contact the victim and her family.

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

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:10.04.2025

vsl