

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO. 4666 OF 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.110 of 2025 on the file of Kalwakurthy Police Station, Nagarkurnool District, registered for the offences punishable under Sections 64(2)(m) of BNS, Section 5(1) read with Section 6 of the POCSO Act and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard Sri M.P. Kashyap Reddy, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent.

3. The case of the prosecution is that on 26.03.2025 at 16:00 hours on receipt of medical intimation that one victim girl admitted in Government Hospital, Kalwakurthy, due to consumption of tablets, on the instructions of the Investigating Officer, Smt. P. Sampurna, WHC 2403, went to

the said hospital, examined and recorded the statement of the victim girl, wherein it is stated that there are four female children to their parents and she studied up to Inter 2nd year and that during her study in Inter 1st year, she made friendship with her villager, namely, Anil, who, during the course of examinations, gave his phone number and she used to call him through her grandmother's phone. On 30.01.2025 at about 12:00 hours, the said Anil called the victim to his house and making her to believe that he loves her and wants to marry her, sexually assaulted her. Likewise, on several occasions he sexually assaulted her in the name of marriage and finally, on 24.03.2025 at 7:30 hours the victim consumed her grandmother's tablets and fell down. Basing on the said complaint, the present crime has been registered for the above said offences.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of Section 64(2)(m) of BNS do not attract against the petitioner and that

the alleged incident took place on 27.02.2025, but the complaint was lodged on 26.03.2025 without mentioning any reason for the delay in lodging the said complaint. He further submits that the petitioner is doing private job and eking out his livelihood and he is ready and willing to cooperate with the investigation and also the conditions which are going to be imposed by this Court. He further submits that the petitioner and the victim belong to the very same village and that the petitioner is not having any criminal antecedents.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed a grave offence and investigation is under progress. He further submits that the petitioner and the victim are the residents of same village and if the petitioner is granted anticipatory bail, he visits the village and will 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, it reveals that the petitioner and the victim are

known to each other and according to the allegations made in the complaint, the petitioner and victim are in relationship. The alleged incident was taken place on 27.02.2025. However, the complaint was lodged on 26.03.2025.

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

(i) The petitioner/Accused is directed to surrender before the Station House Officer, Kalwakurty Police Station, Nagarkurnool District on or before 16.04.2025;

(ii) On such surrender, the Station House Officer of Kalwakurty Police Station, Nagarkurnool, shall release the petitioner/Accused on bail on executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty thousand only) with two sureties for a like sum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/Accused shall appear before the Station House Officer, Kalwakurty Police Station, Nagarkurnool, on every Monday at 11:00 a.m., for a period of eight

weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) After release, the petitioner/accused shall not enter into the village, namely, Venkatapur Village, Kalwakurty Mandal, Nagarkurnool District till filing of the charge sheet.

(v) 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.

(vi) The petitioner/Accused shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 09.04.2025
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J.SREENIVAS RAO, J