

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4746 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 No.1 in Crime No.152 of 2025 of Rajendranagar Police Station, Cyberabad, registered for the offence under Sections 69, 351(2) and 352 r/w 49 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Sections 3(2)(v), 3(1)(r) and 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SCs' & STs' (POA) Act').

2. The brief facts of the case are that on 09.02.2025, the complainant lodged a complaint stating that 3½ years ago, while she was working in private job in Madhapur, she became friend with the petitioner in facebook and the petitioner contacted her and made false promise of love and marriage, which led to believe him. In October 2022, while petitioner's family members were absent, petitioner visited her hostel and took her to his house in Upparpally, and sexually assaulted her in his bedroom without her consent. Subsequently, he repeatedly took her to house and sexually exploited

her without her consent. Despite her repeated requests for marriage, he kept postponing the matter. On 08.06.2023, he took her to Hanuman Temple, Kondapur and tied a pusthe around her neck. Thereafter, he rented a room in Manikonda and had sexual relations with her. When she asked him to take her to his house, he refused stating that his parents will not accept her as she belongs to SC (Mala) Community. Later she became pregnant and informed him about her condition, pleading him to take her to his house, but he refused. Eventually, he left her at her parental home in Nalgonda. While she was six months pregnant, in November 2024 petitioner got engaged to another girl. Upon learning this, she called him, confronted him about the engagement, and asked him to marry her. However, he refused stating that his parents did not accept her because she belongs to SC (Mala) Community. Thereafter she contacted petitioners' parents, but they threatened her saying that they would not accept her due to her caste. Basing on the same, Crime No.152 of 2025 was registered.

3. Heard Mr.K.Anurag, learned counsel representing Mr.K.Durga Prasad, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent No.1– 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 even according to the allegations made in the complaint the ingredients of Section 69 of BNS are not attracted against the petitioner and punishment prescribed for the offence under Sections 351(2) and 352 is below seven years. He further submitted that even according to the complaint made by the *de-facto* complainant, petitioner and victim are known each other since October, 2022 and he is not having other criminal antecedents. He further submitted that the petitioner was arrested on 14.03.2025 and since then he was in judicial custody and the material part of the investigation is completed 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 and victim are known to each other since October, 2022 and the petitioner was arrested on 14.03.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 16 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 No.1 subject to the following conditions.

(i) The petitioner/accused No.1 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 Principal Junior Civil Judge-cum-XI Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendranagar.

(ii) On such release, the petitioner/accused No.1 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) After release, petitioner/accused No.1 shall not influence the witnesses or interfere with the investigation.

(iv) The petitioner/accused No.1 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