

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4805 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused in Crime No.464 of 2024 on the file of the P.S. Sangareddy Town, registered for the offences punishable under Sections 64, 65(1) of BNS, 5(1) read with 6 POCSO Act, 2012.

2. The case of the prosecution is that the *de facto* complainant is studying IX class and during that time she has given her mother's mobile number to her friend and upon that on the same day evening her friend made a phone call to that number. Since then they have started chatting on Whatsapp messages, after one week her father checked the mobile phone of victim's mother and got suspicious about a number and for which he asked the victim and also he made a phone call to that number and then a boy lifted that call he became angry and manhandled her, also warned not to repeat such activity. Later on the next day the accused dropped his

wife and the victim was all alone at home at about 10:00 AM, at that time accused brought two beer bottles and started consuming one beer and meantime he called her and warned her not to make any calls to boys. He further instructed her to arrange the bed for which the victim has replied that she is not tired yet to sleep but her father has rudely kicked on her stomach and went away. He came back with a white packet and warned her that if she did not cooperate with him, he would kill her mother and her younger sister. Thereby, he removed his cloths inserts a thing to his urinary part and forcibly participated in sexual intercourse with her. In retaliation she got scared and started shouting and when the neighbours heard her and came to check, he convinced them and sent them back. Later she went to school, wrote exam and came back, she further stated that on the next day also her father forcibly participated in sexual intercourse with her. Later, when victim is alone in the house again he participated in sexual intercourse with her. On that final day, she has narrated all the happenings to her mother and they approached the Bharosa staff and requested to take action.

3. Heard Mr.T.V.Ramana Rao, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed the offences and he was falsely implicated in the present crime, only at the instance of complainant, who is none other than his wife in view of matrimonial disputes between them. He further submitted that even according to the allegations made in the complaint, the alleged incident has occurred 20 days prior, however complainant lodged the complaint on 19.12.2024, without giving any reasons for the delay. He further submitted that the petitioner was arrested on 21.12.2024 and since then he was in judicial custody and the Investigating Officers have not filed charge sheet. The petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by the Court. Hence, prayed to grant bail the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed the grave offence, the

investigation is under progress and at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner was arrested on 21.12.2024 and since then he is in jail. It is noteworthy that no charge sheet is filed till date. Hence considering the incarceration period, this Court is inclined to grant bail to the petitioner/accused, subject to the following conditions:

(i) The petitioner/accused shall execute 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 Juvenile Justice Board, Sangareddy District at Sangareddy.

(ii) The petitioner/accused shall appear before the concerned SHO at 11.00 A.M. on every Monday, 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.

iii) After release, the petitioner/accused shall not contact the victim and complainant till completion of the trial.

iv) The petitioner/accused shall abide by the conditions stipulated in Section 480 (3) of BNSS.

v) If the petitioner/accused violates any such conditions imposed by this Court, the respondent-State is entitled to file application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 16.04.2025

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