

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4853 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused, seeking bail in Crime No.361 of 2025 of KPHB Colony Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 69, 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 17.03.2025, the *de facto* complainant lodged a complaint stating that she has got acquainted with the petitioner through instagram and they used to chat frequently on Instagram and he used to visit the hostel to meet her and also used to go to movies. The petitioner expressed his interest towards her and promised to marry her and on 11.11.2024, under the pretext of meeting her, the petitioner taken her to the OYO Hotel in Addagutta, KPHB, where they had sexual intercourse and the same was continued on several occasions. On 22.01.2025, she found that she is pregnant and when the same was informed to the

petitioner, he stated that he will marry her after five years, due to which, she aborted the pregnancy. Later, she found few pictures of the petitioner with some other girl in his phone and when she questioned the same, he remained evasive. Later, when she questioned the petitioner about their marriage, he went on postponing the marriage and stated that he will not marry her and he will marry another girl. Hence, the complaint.

3. Heard Mr. K. Rohit, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this crime. He further submitted that even according to the allegations levelled in the complaint, the ingredients of Section 69 of BNS are not attracted against the petitioner and the offence under Section 318(4) of BNS is punishable with imprisonment up to seven years only and the petitioner was arrested on 18.03.2025 and since then he is in judicial custody. The petitioner is not having any criminal antecedents. He further submitted that entire investigation is

completed except filing of charge sheet and the petitioner is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner is entitled for grant of bail.

5. Per contra, learned Additional Public Prosecutor submitted the investigation is under progress. 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 the petitioner was arrested on 18.03.2025 and since then he was in judicial custody. Even according to the learned Additional Public Prosecutor, (13) witnesses were examined and the petitioner is not having any criminal antecedents. Taking into consideration the facts and circumstances of the case, 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 IV Additional Junior Civil Judge-cum-XV Additional

Metropolitan Magistrate at Kukatpally,
Cyberabad.

(ii) The petitioner shall appear before 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 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 15.04.2025
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