

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4988 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.38 of 2025 on the file of Ibrahimpatnam Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 64(2)(m), 329(4), 127(2) and 351(2) of BNS.

2. The case of prosecution in brief is that on 15.01.2025 when the victim girl was alone in her hostel room at about 11-30 p.m., the petitioner had knocked the door, and the victim girl under the impression that she was being called by her friend-Swathi had opened the door, but to her surprise, it was the petitioner, who asked the victim that he would sleep inside the room. While the victim girl permitting him moving away to sleep in her friend's room, the petitioner had dragged her into the room and when she started shouting, the petitioner closed her mouth with bed sheet, took her into bathroom, striped her clothes despite her protest and prayer prostrating at his feet, the petitioner had not shown any sort of mercy and

threatened her that he would leave her within ten minutes if she permits, otherwise he would have to stay till 5-00 a.m. So, the petitioner had raped her repeatedly multiple times. Thus on the report given by the victim girl, present case has been registered for the aforesaid offences.

3. Heard Mr.Hussain Aamir, 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 any offence and he was falsely implicated in the present crime. He further submitted that even according to the allegations made in the complaint, the ingredients of Section 64(2) of BNS are not attracted against the petitioner. He further submitted that investigating officers have not produced any iota of evidence or CC TV footage showing that the petitioner entered into the Girls Hostel premises as well as into the room of the *de-facto* complainant. He further submitted that the petitioner was arrested on 17.01.2025 and since more than 95 days he is in judicial custody and he is not having any other criminal antecedents. He further submitted that the

petitioner is ready to cooperate with the investigation and to abide by the conditions, which are going to be imposed by this Court. Even after expiry of statutory period, the investigation officer has not filed charge sheet and therefore, the petitioner is entitled for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and the investigation is under progress and at this stage if the petitioner is enlarged on bail, there is every chance to interfere with the investigation and also 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, including complaint, it reveals that the petitioner is languished in the jail since 17.01.2025 and material part of the investigation is completed. It is noteworthy to mention that charge sheet is not filed till date. Hence, considering the incarceration period, 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.25,000/- (Rupees Twenty Five Thousand only) with two

sureties for a like sum each to the satisfaction of the XV Additional District and Sessions Judge-cum-Additional Metropolitan Sessions Judge, Cyberabad at Ibrahimpatnam, Ranga Reddy District.

- (ii) After release, the petitioner/accused No.1 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) After release, if the petitioner/accused No.1 indulges in similar type of offence in future, the respondent-State is entitled to file an application seeking cancellation of bail granted in his favour.
- (iv) The petitioner/accused No.1 shall not contact the victim till filing of charge sheet and he shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 21.04.2025

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