

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5299 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 No.1 in Crime No.111 of 2025 on the file of the P.S. Banjara Hills, Hyderabad, registered for the offences punishable under Sections 64, 318(2), 318(4), 88, 115(3) and 352(2)(3) r/w 3(5) of BNS.

2. The case of the prosecution is that on 07.02.2025, the *de-facto* complainant lodged a complaint stating that taking advantage of their acquaintance, petitioner borrowed Rs.2,00,000/- from her and later when she asked him to return the money, he threatened her with silver coloured pistol and physically overpowered her. As a result, she became pregnant three times and had to undergo three abortions. When she confronted petitioner and asked him to marry her, his relatives threatened her. On 19.01.2025, they threatened to kill her with a pistol if she persisted in asking for marriage and she sustained injuries to her left hand finger and both legs. Basing on the same, Crime No.111 of 2025 was registered.

3. Heard Mr.T.P.Acharya, learned counsel for the petitioner, appearing through video conference and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the above crime. He further submitted that the *de-facto* complainant and petitioner are living together and she approached the investigating officers and tried to withdraw the complaint, inspite of the same, investigating officers have not taken any steps, in the meantime, petitioner was arrested on 10.04.2025 and since then he is in judicial custody and he is not having any other criminal antecedents. He further submitted that the petitioner shall abide by the conditions, which are going to be imposed by this Court, and he is ready to 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 offence and the investigation is under progress and hence, 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 10.04.2025 and since then he is in judicial custody. Even according to the learned counsel for the petitioner, petitioner and *de-facto* complainant are living together and prior to his arrest, *de-facto* complainant approached the investigating officers and tried to withdraw the complaint against the petitioner. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents and 11 witnesses were already examined.

7. Taking into consideration of the above said facts and circumstances of the case, 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 III Additional Chief Judicial Magistrate, Nampally, Hyderabad.
- (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) 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 and shall cooperate with the investigation.

- 8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 23.04.2025

Vsl