

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5327 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.4 in Crime No.33 of 2025 on the file of Dharpally Police Station, Nizamabad District, registered for the offences punishable under Sections 70(1), 137(2), 351(2) and 54 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 22.02.2025 at 19-00 hours on receipt of information from one Kothi Shekar Reddy that the victim and her sister went to him and informed that the victim was sexually assaulted by the unknown persons, accordingly, the Sub-Inspector of Police rushed to Dubbaka, where he secured the victim but she was in unconscious stage, then the victim and her sister were shifted to Government Hospital, Nizamabad in 108 ambulance and on the next day i.e. 23.02.2025 victim came out from unconscious state and gave her statement, in which she stated that on 22.02.2025 they went to Borgam village to attend some domestic work and while they were waiting for auto to proceed to Manchippa village, meantime one unknown person came there in a car and stopped

in front of them and assured that he will drop them at their residence and made them to board his car and on the way he purchased the Wine, toddy and biryani and took them nearby Madhava nagar area, where having bushes and forcibly administered toddy to her and had committed sexual intercourse with her, and her sister tried to rescue but he threatened her and later by putting into fear and proceeded, while on the way she noticed that her sister was found, then he threatened her sister and made boarded into his car and later he called his three friends who came in a car and they took them to an unknown place where they had forcibly administered alcohol and she went unconscious. Basing on the said statement, the presence crime was registered for the aforesaid offences.

3. Heard Mr.P.V.Samuel Vinay Sagar, 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. Even according to the allegations made in the complaint and the remand case diary, the ingredients of Section 70(1) of BNS are not attracted against

the petitioner and except the said offence, all the other offences are punishable with imprisonment of below seven years. He further submitted that entire allegations are levelled against accused Nos.2 and 3 and they were enlarged on bail in CrI.M.P.No.220 of 2025 on 15.04.2025 by the learned Special Sessions Judge for Fast Tracking the Cases of Atrocities against Women-cum-IV Additional District and Sessions Judge, Nizamabad. The petitioner was arrested on 25.02.2025 and since then he is in judicial custody and the entire investigation is completed except filing of charge sheet. He further submitted that the petitioner is not having any criminal antecedents and he is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence and the investigation is under progress. If the petitioner is enlarged on bail, he will interfere with the investigation and tried to influence the witnesses. Hence, prayed to dismiss the petition.

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 25.02.2025

and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 13 witnesses were already examined and the petitioner is not having any criminal antecedents. It is not in dispute that accused Nos.2 and 3 and they were enlarged on bail on 15.04.2025 by the Court below.

7. Taking into consideration the said facts and circumstances, this Court is inclined to grant bail to the petitioner/accused No.4 subject to the following conditions;

- (i) The petitioner/accused No.4 shall be released on bail on his executing a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of V Additional Judicial Magistrate of First Class at Nizamabad.
- (ii) After release, petitioner/accused No.4 shall appear before the V Additional Judicial Magistrate of First Class at Nizamabad, on each and every adjournment.
- iii) After release, if the petitioner/accused No.4 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.4 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.

JUSTICE J.SREENIVAS RAO

Date: 23.04.2025
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