

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5554 of 2025

ORDER:

This criminal petition is filed by the petitioner/accused under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking regular bail in Crime No.195 of 2025 on the file of Kushaiguda Police Station, Rachakonda District, registered for the offence punishable under Section 376(2)(n) of IPC and Section 5 read with Section 6 of POCSO Act,. 2012.

2. The case of the prosecution is that on 06.03.2025, the complainant filed a complaint wherein it is stated that his younger daughter is taking long term coaching in NEET at Aadya Medical Academy at Bandlaguda. One Ravi babu, who is residing beside his house, came in contact with his younger daughter and they used to make phone calls and chit chatting over phones and that one day the said Ravi Babu asked his daughter to meet him at ECIL bus stop. Accordingly, when she went to ECIL bus stop, the said Ravi Babu picked up her and taken her to Seven Hotel, ECIL

and expressed his love and forcibly had sexual intercourse with her and that for several times at Charlapally Industrial area he had sexual intercourse with her. Basing on the same, the present crime was registered.

3. Heard Sri R. Sridhar, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint, the alleged incident took place in the month of January, 2023. However, the complainant lodged the complaint on 06.03.2025 with an intention to harass the petitioner and that the ingredients of Section 376(2)(n) of IPC and Section 5 read with Section 6 of the POCSO Act do not attract against the petitioner. He further submits that the petitioner was arrested on 15.03.2025 and since then he is in judicial custody and that the entire investigation is completed except filing of charge sheet. The petitioner is not having criminal

antecedents and he is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and the investigation is under progress. At this stage, if the petitioner is enlarged on bail, he will interfere with the investigation and also influence the witnesses. Therefore, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner and the victim are known to each other since 2023. The petitioner was arrested on 15.03.2025 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.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused on the following conditions:

(1) The petitioner/accused is enlarged on bail on executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the II Additional Judicial Magistrate of First Class, Medchal-Malkajgiri at Kushaiguda.

(2) The petitioner/accused shall appear before the concerned SHO on every Monday at 11:00 A.M. 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.

(3) After release, the petitioner/accused shall not interfere with the investigation and influence the witnesses and also shall not contact the victim or her family members in any manner.

(4) The petitioner/accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

(5) After release, if the petitioner/accused violates any of the above conditions, the respondent State is

at liberty to file an application seeking cancellation of the bail granted in his favour.

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 29.04.2025
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