

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5657 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused, seeking anticipatory bail in Crime No.371 of 2025 of Gachibowli Police Station, Cyberabad registered for the offence punishable under Sections 74, 78, 69, 324(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Sri S.Ram Reddy, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 04.03.2025 at 1.00 p.m. the de facto complainant/victim lodged a complaint at Gachibowli Police Station stating that about two years ago while she was reading at Banjara Hills, she got acquaintance with one Nithin Kumar through her friend. Thereafter Nithin Kumar expressed his intention to marry her and pursued her and initially though the de facto complainant refused his proposal, later on the assurance given by Nithin Kumar that he will marry her, she accepted

his proposal. The de facto complainant and Nithin Kumar cohabited for two years and in spite of several requests Nithin Kumar avoided the topic of marriage on various pretexts. In January, 2025 the de facto complainant suspected the behaviour of Nithin Kumar and she started residing in a women's hostel and even thereafter she requested Nithin Kumar about the marriage and he evaded the same. On 03.03.2024 at 7-30 p.m. while the de facto complainant was at Crazy Fitness Center Gym, Nithin Kumar went there and abused the de facto complainant in filthy language, outraged her modesty, assaulted her and forcibly snatched her mobile phone suspecting her fidelity and threw the phone in the dustbin. Basing on the said complaint, the present crime was registered for the aforesaid offences.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this case. Even according to the allegations levelled in the complaint, Section 69 of BNS are not attracted against the petitioner. He further submitted that the petitioner and the de facto complainant/victim are living together since 2023 onwards and only with an

intention to harass the petitioner, de facto complainant lodged the present complaint. 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, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence and the investigation is under progress. If the petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Therefore, he is not entitled for grant of anticipatory 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 and the de facto complainant are known to each other since last four years. Even according to the learned Additional Public Prosecutor, the petitioner is not having criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant

anticipatory bail to the petitioner/accused, subject to the following conditions:

- i) The petitioner/accused is directed to surrender before the S.H.O., Gachibowli Police Station, Hyderabad on or before 07.05.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only), with two sureties for a like sum each to his satisfaction.
- ii) After release, the petitioner/accused shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) After release, the petitioner/accused shall not interfere with the investigation or influence the witnesses during the course of investigation and he shall not contact the de facto complainant/victim or her family members.
- iv) The petitioner/accused shall abide by the conditions stipulated under Section 482 (2) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 01.05.2025
pgp