

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5751 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.419 of 2025 on the file of Miyapur Police Station, Cyberabad, registered for the offence punishable under Sections 318(4) and 69 of BNS.

2. The case of the prosecution is that on 22.03.2025 at 1900 hours, the de-facto complainant lodged a complaint wherein it is stated that on the promise made by the petitioner that he will marry her, she is in physical relationship with him for the past five years. Thereafter, after coming to know that due to the continuous harassment of the petitioner, she filed a case against him, he approached her and said that he would marry her if she withdrew the said case. When she refused to do so, in intoxicated condition, he attempted to rape her daughter. At that time, she filed a case under the provisions of

POCSO Act, upon which the petitioner approached her and said that he would marry her if she helps him in getting bail. After getting bail, the petitioner stayed with her for two months and again started harassing her physically and forcibly took Rs.10 lakhs from her and that on 09.03.2025 at around 14:30 hours, he picked up a quarrel with her and raped her and attempted to kill her. Basing on the same, the present crime was registered.

3. Heard Sri C. Raghu, learned Senior Counsel representing Sri N. Srinivas, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned Senior 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 ingredients under Section 69 of BNS do not attract to the petitioner. He further submits that prior to the filing of the present complaint, the de-facto complainant already lodged two complaints, namely Crime Nos.1175 of 2023 and 536

of 2024 on the file of Miyapur Police Station and the present complaint is filed with an intention to harass the petitioner by one way or the other. The petitioner was arrested on 02.04.2025 and since then he is in judicial custody and material part of investigation is completed except filing of charge sheet. The petitioner 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 even according to the averments made in the complaint, the petitioner and the de-facto complainant are known to each other for the last five years.

The record further discloses that prior to filing of the present complaint, the de-facto complainant lodged two complaints against the petitioner basing on which Crime Nos.1175 of 2023 and 536 of 2024 were registered on the file of Miyapur Police Station. The petitioner was arrested on 02.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor 10 witnesses were already examined.

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 VIII Additional Judicial Magistrate of First Class at Kukatpally, Cyberabad.

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

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 01.05.2025
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