THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5760 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.2 and 3 in F.I.R. No.85 of 2025 on the file of Police Station, Geesukonda, Warangal District registered for the offences punishable under Section 69 r/w Section 49 of the Bharatiya Nyaya Sanhita, 2023 (for short BNS) r/w. Section 5 (I) r/w Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short POCSO).

2. The case of the prosecution is that on 07.03.2025 the victim girl lodged complaint stating that about three years ago, while she was studying first-year Engineering in Polytechnic college, the victim was pursued by her senior, Accused No.1, who, with the help of his sisters i.e., petitioners/accused Nos.2 and 3, pressured her into a relationship and allegedly had sexual intercourse with her and used her mentally and physically. On 25-02-2025, after the victim's parents came to know about their relationship, a discussion with village elders led accused No.1 to

agree to marry her. On 01-03-2025, the elders and his parents decided to hold the engagement within a week. However, that afternoon, accused No.1 called the victim, refused to marry her, told her to do whatever she wanted, and even after summoning him before the elders, he refused to attend the panchayat. Thus, she requested to take necessary action against said accused No.1 who cheated her and also his sisters who instigated her by telling optimistic words to her to love said accused No.1. She requested to take necessary action against the accused.

3. Heard Sri V.Yadu Krishna Sainath, learned counsel for the petitioners/accused Nos.2 and 3 and Sri Arun Kumar Doddla, learned Additional Public Prosecutor for respondent No.1 -State.

4. Learned counsel for the petitioners submitted that there are no specific allegations against the petitioners to attract the ingredients under Section 69 of BNS and the entire allegations are leveled only against the accused No.1. It is further averred that the petitioners were falsely implicated in the present crime only on the ground that they are the sisters of the accused No.1. It is further contended that petitioner No.1 is a house wife, petitioner No.2 is a student and both are women and there are no criminal antecedents against them and further

contended that the petitioners are ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Hence, requested to enlarge the petitioners on anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence, investigation is under progress and if the petitioners are granted anticipatory bail at this stage, they may tamper the evidence and may threaten the witnesses, and 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 the petitioners/accused Nos.2 and 3 are sisters of the accused No.1 and both are women. Petitioner No.1 is a house wife and petitioner No.2 is a student and there are no specific allegations against the petitioners and Section 69 r/w Section 49 of BNS r/w. Section 5 (I) r/w Sections 6 and 17 of POCSO Act does not attract on the petitioners/accused Nos.2 and 3 whereas the specific allegations were levelled only against the accused No.1. Even according to the learned Additional Public Prosecutor, accused No.1 was arrested and so far 12

witnesses were already examined and there are no criminal antecedents against the petitioners.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.2 and 3 with the following conditions:

(i) Petitioners/accused Nos.2 and 3 are directed to surrender before the S.H.O., Geesukonda, Warangal District on or before 13.05.2025 and on such surrender, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only) each, with two sureties for a like sum each to his satisfaction.

(ii) On such release, petitioners/accused Nos.2 and 3 shall appear before the S.H.O., Geesukonda, Warangal District on every Monday at 11-00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier and thereafter as and when required.

(iii) Petitioners shall abide by the conditions stipulated under Section 482(2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

(iv) Petitioners/accused Nos.2 and 3 shall not interfere with the investigation or influence the

witnesses and also directed not to contact with the victim or her family members.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

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J. SREENIVAS RAO, J

Date: 07.05.2025

Bw/Sa

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