

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6187 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.1 in Crime No.33 of 2025 on the file of Dharpally Police Station, Nizamabad District, registered for the offences punishable under Sections 64(1), 137(2) and 351(2) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and later Section 64(1) of BNS was deleted and Section 70(1) of BNS was added.

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, 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, the 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 to nearby Madhava Nagar area, where there were bushes and he forcibly administered toddy to her and had committed sexual intercourse with her, and when her sister tried to rescue, he threatened her and later put them 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 present crime was registered for the aforesaid offences.

3. Heard Dr.Jaipal Reddy Kathula, learned counsel for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offences and he was falsely implicated in the above crime. Even according to the allegations made in the complaint, the ingredients under Sections 70(1), 137(2) and 351(2) of BNS are not attracted against the petitioner.

The petitioner was arrested on 24.02.2025 and since then, he has been in judicial custody. The investigation is completed except filing of charge sheet. He further submitted that very same allegations are levelled against accused Nos.2 and 3 and they were enlarged on bail by an order dated 15.04.2025 in CrI.M.P.No.220 of 2025 on the file of the learned Special Sessions Judge for Fast Tracking the cases of Atrocities against Women-cum-IV Additional District and Sessions Judge, Nizamabad and accused No.4 is also enlarged on bail, by its order dated 23.04.2025 in CrI.P.No.5327 of 2025 by this Court. The petitioner is ready and willing to cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner and other accused have committed grave offence and the investigation is under progress. Therefore, if the petitioner is granted bail, there is every chance to influence the witnesses and to interfere with the investigation. Hence, the learned Additional Public Prosecutor prayed to dismiss the petition.

6. Having considered the submissions made by respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 24.02.2025 and since then, he is in judicial custody. Even according to the learned

Additional Public Prosecutor, 13 witnesses were examined. The record further reveals that accused Nos.2 and 3 were enlarged on bail by order dated 15.04.2025 in CrI.M.P.No.220 of 2025 and accused No.4 was enlarged on bail, by order dated 23.04.2025 in CrI.P.No.5327 of 2025.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

(i) The petitioner/accused No.1 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 First Class Magistrate at Nizamabad.

(ii) The petitioner/accused No.1 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.

(iii) After release, if the petitioner/accused No.1 indulges in similar type of offence, the respondent-State is entitled to file

an application seeking cancellation of bail granted in his favour.

(iv) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 07.06.2025

vsu/vs

J. SREENIVAS RAO, J