

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6077 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 petitioner/accused No.2 in Crime No.168 of 2025 on the file of the P.S. Osmania University, Hyderabad registered for the offences punishable under Sections 64(1), 351(2) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short 'the SCs' & STs' (POA) Act').

2. The case of prosecution is that on 08.04.2025, the de-facto complainant filed a complaint stating that her friend introduced her to accused No.3, who frequently visited her house, and the petitioner (her gym mate) also visited regularly. On 20.06.2024, she invited accused No.3 and the petitioner for dinner, during which they exchanged numbers. Later, in July 2024, she was introduced to accused No.2, and they dined together on several occasions. On 18.03.2025, at around 20:30 hours, accused No.3

called her to meet near the MGRI bus stop, where she was asked to get into accused No.2's Jeep. They went to Nport Café Bar, where accused No.1 joined them for dinner. Afterward, accused No.2 gave her a drink, claiming it was from accused No.1. After drinking, she became semi-conscious and dizzy. Then, accused No.1 then took her to the petitioner's car, and they began driving her home. He dropped accused No.3 near Ramanthapur St. Joseph Public High School then herself and accused No.1 was sitting back of the car and petitioner was driving the car in a bit speed manner. All of sudden accused No.1 got hold her hair slapped her and forcefully committed rape on her in a running car and the petitioner took her nude pictures in his mobile phone and they dropped her near her residence at around 23:40 hours. Later, on 22.03.2025, petitioner and accused No.1 threatened her not to inform incident to anyone and on 24.03.2025, accused No.1's wife called the complainant and stated that she, along with her children, would commit suicide if she files a case against her husband regarding the rape. Basing on the same, Crime No.168 of 2025 was registered.

3. Heard Mr.T.L.Nayan Kumar, learned counsel for the petitioner and Mr.Arun Kumar Dodla, learned Additional Public Prosecutor for the respondent -State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the above crime. He further submitted that even according to the allegations made in the complaint, the ingredients for the offence under Section 3(2)(v) of the SCs' & STs' (POA) Act are not applicable to the petitioner on the ground that the petitioner belongs to the very same caste. He further submitted that the petitioner and *defacto* complainant are known to each other since 2024 and he never abused the *defacto* complainant in the name of her caste. He further submitted that the petitioner is a Medical Vigilance Officer. He further submitted that the petitioner is not having any other criminal antecedents and he is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.2 has committed grave offence and investigation is under progress and if the petitioner/accused No.2 is granted anticipatory bail at this stage, he will influence the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that even according to the allegations made in the complaint, the petitioner and the *de-facto* complainant are known to each other since 2024. The record further reveals that the petitioner also belongs to S.C (Madiga), whereas, the *de-facto* complainant lodged the complaints for the offence under Section 3(2)(v) of the SCs' & STs' (POA) Act. The record further discloses that the petitioner is a Medical Vigilance Officer. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions.

1. The petitioner/accused No.2 shall surrender before the Station House Officer of P.S. Osmania University, Hyderabad, on or before 13.05.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on his executing a personal bond for Rs.75,000/- (Rupees seventy five thousand) with two sureties, for the like sum each.
 2. After release, the petitioner/accused No.2 shall appear before the concerned SHO at 11.00 A.M. on every Monday, 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 No.2 shall not influence the witnesses or interfere with the investigation.
 4. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 07.05.2025
vsl/sa

