

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION NO.6481 OF 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.324 of 2025 on the file of the Police Station Dundigal, Cyberabad, registered for the offences punishable under Sections 69, 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 28.03.2025 at about 12:00 hours the *de facto* complainant lodged a complaint stating that since 2 years her relative (brother-in-law) i.e., Ratla Raju/petitioner/accused No.1 frequently used to come to her house and he used to talk with her, later he took her mobile number and also used to talk over mobile phone, after some days he had expressed his love proposal to her but she refused the same at first instance, however on several requests, the *de facto* complainant believed his words and started to love him. One day in the absence of her parents he came to her house and had sexual intercourse with her on the pretext of marriage by telling gullible words as he would marry her, since then, several times he came to her house and had sexual intercourse with her in the absence of her parents. Further he also taken cash an amount of Rs. 5,00,000/- through PhonePe from

her and assures to that he return the amount. After knowing the same to both parents in the year 2022, both parents agreed for marriage and got engagement. After some time, girl's parent requested for marriage, but the accused No.1 and her parents prolonging the date. Later assurance were given to fix the marriage in the year 2024, but they failed in their promise. Again she requested him to marry her since then, the accused No.1 kept her away and threatened her that he did not marry her. Hence, the accused cheated her and sexually exploited her and took the large amount from her, the girl filed complaint. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused No.1 and accused

3. Heard Mr. M.Manohar, learned counsel appearing for the petitioner/accused No.1 and Mr. M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

4. Learned counsel for the petitioner/accused No.1 contended that the petitioner/accused No.1 has not committed the alleged offence and he was falsely implicated in the above crime and that the ingredients of Sections 69, 318(4) of the BNS are not attracted against the petitioner/accused No.1. He further contended that there

was no truth in the allegations made by the *de facto* complainant and he was in Jail since 28.04.2025.

5. Learned counsel by relying upon the judgments of Madhya Pradesh High Court in the matter of ***Praveen vs. State of Madhya Pradesh***¹ and Andhra Pradesh High Court in the matter of ***Shaik Shajahan vs. State of Andhra Pradesh***² has contended that Section 69 of the BNS would not be attracted for the present set of facts. The petitioner/accused No.1 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 bail.

6. Learned Additional Public Prosecutor on instructions would submit that there are serious allegations in respect of the petitioner/accused No.1 committing cheating against the *de facto* complainant and that there is a proof to show that the petitioner/accused No.1 has received Rs.5,00,000/- from the *de facto* complainant by way of PhonePe and the investigation is under progress and at this stage, if the petitioner/accused No.1 is enlarged on bail, there is every chance to interfere with the investigation and also influence the witnesses. Hence, prayed to dismiss the petition.

¹ 2024 SCC OnLine MP 9518

² 2025 SCC OnLine AP 124

7. Having considered the rival submissions made by respective parties and after perusal of the material available on record and without going into the aspect of whether the allegations leveled against the petitioner/accused No.1 would attract the offences alleged against him or not and as per the remand case diary, it shows that the prosecution has examined the material witnesses i.e., LWs.1 to 8, and that the petitioner/accused No.1 is not having any other criminal antecedents and also the fact that the petitioner/accused No.1 is in judicial custody since 28.04.2025, 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.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the VIII Additional Metropolitan Magistrate, Cyberabad. On furnishing such sureties, the same shall be sent for verification as to their genuineness and thereafter issue the release order.

(ii) After release, the petitioner/accused No.1 shall appear before the concerned S.H.O. on first and third Sunday of every month for a period of eight (8) weeks or filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) The petitioner/accused No.1 shall not visit the place of *defacto complainant* and also not to influence the witnesses in any manner.

(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 and shall cooperate with the investigation.

(v) After release, if the petitioner/accused No.1 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

NARSING RAO NANDIKONDA,J

Date: 14.05.2025

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