

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION NO.6486 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 in F.I.R No.170 of 2025 on the file of the SHO, Kukatpally Police Station, Medchal Malkajgiri, registered for the offences punishable under Sections 87, 64, 127 (3), of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 5 (1) of the POCSO Act.

2. The case of the prosecution is that on 08.02.2025 at about 08:00 hours the *de facto* complainant lodged a complaint stating that the accused kidnapped the victim girl aged 16 years under the guise of love and took her to his native place at East Godavari and tied pasuputhadu and under the guise of marriage, he alleged to have been involved in sexual intercourse with the victim girl. Upon knowing that a missing case is registered at Kukatpally P.S, they sent the victim to her mother's house. Basing on the said allegations, a complaint was lodged under Sections 87, 64, 127 (3), of the Bharatiya Nyaya Sanhitha, 2023.

3. Heard Mr.Nageshwara Rao Repakula, learned counsel appearing for the petitioner/accused and learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

4. Learned counsel for the petitioner/accused contended that false complaint has been lodged against the petitioner and at the instance of the parents of the victim girl and petitioner has no criminal antecedents and ready and willing to cooperate with the investigation.

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 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.

¹ 2024 SCC OnLine MP 9518

² 2025 SCC OnLine AP 124

6. 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 levelled against the petitioner/accused would attract the offences alleged against him. Consider the fact that the petitioner/accused is in judicial custody since 10.04.2025 and as per the remand case diary, it shows that the prosecution has already examined the material witnesses i.e., LWs.1 to 16, and the petitioner/accused is not having any other criminal antecedents, this Court is inclined to grant bail to the petitioner/accused subject to the following conditions:

- (i) The petitioner/accused shall be released on bail on his executing a personal bond for a sum of Rs.20,000/-(Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the XII Additional Junior Civil Judge-cum-XII Additional Metropolitan Magistrate, Medchal Malkajgiri District at Prashanth Nagar, Kukatpally. On furnishing such sureties, the same shall be sent for verification as to their genuineness and issue the release order.
- (ii) After release, the petitioner/accused shall appear before the concerned S.H.O. at 11.00 a.m. on first and third Sunday of every month for a period of eight (8) weeks or till filing of the charge sheet,

whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

(iii) After release, if the petitioner/accused 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.

(iv) The petitioner/accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., and shall cooperate with the investigation.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE NARSING RAO NANDIKONDA

Date: 14.05.2025

CHS

Note:

This order is corrected as per court order, dated 21.05.2025 passed in I.A.No.1 of 2025 in CrI.P.No.6486 of 2025. This order is corrected as "F.I.R.No.170 of 2025" instead of "F.I.R No.70 of 2025." This order substitutes the earlier uploaded order.