

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.6490 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.1, seeking anticipatory bail in connection with Crime No.168 of 2025 on the file of the Osmania University City Police Station, Hyderabad registered for the offences punishable under Sections 64(1), 351(2) r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 3(2)(v) of the SCs/STs (POA) Act, 1989.

2. Heard Sri V.Ravi Kiran Rao, learned Senior Counsel, representing M/s Pillix Law Firm appearing on behalf of the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 08.04.2025 at about 13-00 hours the de-facto complainant lodged a complaint with the police stating that on 18.03.2025 at about 20:30 hours, she received a

phone call from her friend Ms. Chayamaru, who was with Dr. G. Ravi Babu (another friend of the de-facto Complainant) near the NGRI Bus stop in Habsiguda and went to meet them and from there all of them went to Nagole Samrath Froth Cafe Bar, where Dr. T. Kiran Kumar (the Petitioner) joined them for dinner. After dinner, Chayamar gave her a Thums Up drink, allegedly mixed by the petitioner, which caused her to become semi-conscious and dizzy. That, the Accused and Dr. G. Ravi Babu took her to the latter's car (TS09FR7399), claiming that they would drop her at home. They all sat in Dr. G. Ravi Babu's car, then he dropped Chayamaru near Ramanthapur, St. Joseph Public High school, and both the complainant and the petitioner sat at back seat of the car while Dr. G. Ravi babu was driving the car and in the meantime all of a sudden Dr. T. Kiran Kumar caught hold her hairs and slapped her stating that "Lambadi Lanja noru muyi" and during the ride, the accused assaulted her, committed rape by wearing a condom and that Dr.G.Ravi Babu drove the car increasing the music volume to mask her cries for help and also the accused took her nude photos. They dropped the complainant at

her residence around 23:40 hours. Later on March 22, 2025, Dr. Ravi Babu and the petitioner threatened her at Bandas Gym, Tarnaka, not to report the incident. On 24.03.2025, Kiran Kumar's wife called the de-facto complainant and stated that if a case was filed against her husband, she will commit suicide along with her children. Basing on the same, the present crime was registered for the aforesaid offences.

4.1 Learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this case. Even according to the allegations made in the complaint, the alleged incident was taken place on 18.03.2025, whereas respondent No.2 lodged a complaint on 08.04.2025 without assigning any reasons for the said long delay. He further submitted that even subsequent to the alleged incident, respondent No.2 went to the house of the petitioner and gave an amount of Rs.10,000/- to the wife of the petitioner for the purpose of purchasing B.P. machine and the said amount was returned by the petitioner and respondent No.2 refused to receive the said amount and thrown the said amount. He further

submitted that on 23.04.2025 respondent No.2 contacted the wife of the petitioner through phone and in her conversation, she specifically stated that the petitioner is a very good person and she has not attributed anything against the petitioner. Respondent No.2 with an intention to harass the petitioner lodged the complaint and the ingredients under the provisions of Section 64(1) of BNS are not attracted against the petitioner.

4.2 He further submitted that the petitioner never abused respondent No.2 in the name of her caste, especially his wife belongs to Scheduled Tribe caste. The ingredients of Section 3(2)(v) of the SCs/STs (POA) Act, 1989 are also not attracted against the petitioner. He also submitted that very same allegations are levelled against accused Nos.2 and 3 and they approached this Court and filed Criminal Petition Nos.6077 and 6571 of 2025 for grant of anticipatory and this Court allowed the same on 07.05.2025 and 11.06.2025. The petitioner is working as a Doctor in ESI Hospital and he is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Hence,

prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence and the investigation is under progress and at this stage, if the petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Hence, he is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that respondent No.2 lodged the complaint on 08.04.2025 and basing on the same, the present crime was registered against the petitioner and two other accused. Even according to the allegations made in the complaint, the alleged incident was taken place on 18.03.2025 at about 20-30 hours, whereas respondent No.2 lodged the complaint on 08.04.2025. In the said complaint, respondent No.2 has not assigned any reasons for the above said delay.

7. Learned Senior Counsel specifically contended that subsequent to the alleged incident, respondent No.2

went to the house of the petitioner and gave an amount of Rs.10,000/- to the wife of the petitioner to purchase B.P. checking machine and when petitioner returned the said amount, respondent No.2 thrown the said amount and with an oblique motive lodged the present complaint. According to the learned Senior Counsel, in the telephonic conversation between the respondent No.2 and wife of the petitioner, respondent No.2 specifically stated that the petitioner is a good person having good character.

8. During the course of hearing, learned Additional Public Prosecutor placed copy of statement of the victim, which was recorded by the V Judicial Magistrate of First Class, Hyderabad under Section 164 Cr.P.C. In the complaint, respondent No.2 has taken one stand, whereas in her 164 Cr.P.C. statement, she has taken different stand. Even according to the learned Additional Public Prosecutor, the petitioner is not having criminal antecedents. The record further reveals that the petitioner is discharging his duties as a Doctor in ESI Hospital. This Court has already granted anticipatory bail to accused Nos.2 and 3 *vide* CrI.P.Nos.6077 and 6571 of 2025 on 07.05.2025 and 11.06.2025 respectively.

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

- i) The petitioner/accused No.1 is directed to surrender before the S.H.O., Osmania University Police Station, Hyderabad on or before 28.06.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), with two sureties for a like sum each to his satisfaction.
- ii) After release, the petitioner/accused No.1 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) After release, the petitioner/accused No.1 shall not influence the witnesses or interfere with the investigation.
- iv) After release, the petitioner/accused No.1 shall not contact the respondent No.2/victim in any manner and he shall abide by the conditions stipulated under Section 482 (2) of BNSS.

10. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

Date: 23.06.2025
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JUSTICE J.SREENIVAS RAO