

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6571 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.3 in Crime No.168 of 2025 on the file of the Osmania University Police Station, Hyderabad registered for the offences punishable under Sections 64(1), 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (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 Nos.2 and 3 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 Cafe 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 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 accused No.2 was driving the car at a relatively high speed. All of sudden accused No.1 grabbed her by her hair, slapped her and thereafter committed rape upon 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.M.D.Mohapatra, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, 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 present 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 is also belongs to the very same caste. He further submitted that the petitioner and *de-facto* complainant are known to each other. He further submitted that the very same allegations are levelled against accused No.2, who approached this Court and filed Criminal Petition No.6077 of 2025, and this Court granted anticipatory bail to accused No.2 *vide* order dated 07.05.2025. 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.3 has committed grave offence and investigation is under progress and if the petitioner/accused No.3 is granted anticipatory bail at this stage, he will influence the witnesses and interfere with the investigation, 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. The record further reveals that the petitioner also belongs to Scheduled Caste and to that extent learned counsel for the petitioner has filed caste certificate dated 30.04.2025 issued by the competent authority. The record further reveals that this Court has granted anticipatory bail to accused No.2 *vide* order dated 07.05.2025 in Criminal petition No.6077 of 2025.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.3 subject to the following conditions.

1. The petitioner/accused No.3 shall surrender before the Station House Officer of P.S. Osmania University, Hyderabad, on or before 18.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.3 on bail on his executing a personal bond for Rs.30,000/- (Rupees thirty thousand) with two sureties, for the like sum each to his satisfaction.
 2. After release, the petitioner/accused No.3 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.3 shall not influence the witnesses or interfere with the investigation.
 4. The petitioner/accused No.3 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: 11.06.2025

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