

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6638 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.256 of 2025 on the file of the Station House Officer, Subedari Police Station, Warangal, registered for the offences punishable under Sections 137(2) & 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 5(1) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. Heard Ms. Devineni Radha Rani, learned counsel for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1/State.

3. The case of the prosecution is that on 24.04.2025 at about 12:00 hours, the Station House Officer, Subedari Police

Station, received a complaint from the complainant stating that his elder daughter is studying intermediate first year and on 22.04.2025, when the intermediate examination results were declared, she was upset as she got less marks and on the next day early hours, they found that she is missing from the house. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused for the aforesaid offences.

4. Learned counsel for the petitioner/accused submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submits that the petitioner and the victim are known to each other since the year 2021 and they are in relation since then and therefore, the ingredients of Section 64(2)(m) of BNS and Section 5(1) r/w Section 6 of POCSO Act are not attracted against the petitioner. He further submits that the other offence being Section 137(2) of BNS is punishable with imprisonment upto seven years. He further submits that

petitioner was arrested on 26.04.2025 and since then, he is in judicial custody and the entire investigation is completed except filing of chargesheet and the petitioner is not having any criminal antecedents and prays to grant bail to the petitioner as he is ready and willing to cooperate with the investigating officer for investigation and also abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner/accused committed grave offence and the investigation is not yet completed and at this stage, if the petitioner is granted anticipatory bail, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and on perusal of the material available on record, it reveals that the petitioner and the victim are known to each other since long time. The petitioner was arrested on 26.04.2025 and since then he is in judicial custody. Even according to the learned

Additional Public Prosecutor, fourteen witnesses were already examined and major portion of the investigation is completed and the petitioner is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused subject to the following conditions:

(i) The petitioner/accused shall execute a personal bond for a sum of Rs.30,000/-(Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of III Additional Judicial First Class Magistrate, Hanamkonda.

(ii) On such release, the petitioner/accused shall appear before the concerned Station House Officer 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.

(iii) After release, the petitioner/accused shall not contact the victim or her family members in any manner.

(iv) The petitioner/accused shall not interfere with the investigation or influence the witnesses during the course of investigation.

(v) The petitioner/accused shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 11.06.2025
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J.SREENIVAS RAO, J