

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6712 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioner/accused in Crime No.439 of 2025 of Banjara Hills Police Station, Hyderabad District, registered for the offences punishable under Sections 64(1), 318(2) and 318(4) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 19.05.2025 at about 20.10 p.m., the complainant, who is a Doctor, lodged a complaint stating that she worked as Senior Resident (Pediatrics Department) in Government Hospital, Mahabubabad from September, 2023 to August, 2024, and during the said period, she got acquaintance with the petitioner, who was also working as Senior Resident Officer in the said Hospital and on the assurance given by the petitioner that he is a divorcee and would marry her, on 11.01.2025, at about 7:00 pm., he took her to Hotel Park Hyatt, Banjara Hills, and had

sexual intercourse with her without her consent and later on coming to know that the petitioner is not divorced, the complainant confronted the petitioner, but he denied to marry her. Basing on the said complaint, the present crime is registered against the petitioner for the aforesaid offences.

3. Heard Ms. Rachna Reddy, learned Senior Counsel appearing for Mr. Mohd. Baseer Riyaz, learned counsel for the petitioner/accused; Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent No.1/State and Mr. L.Sameer Reddy, learned counsel for respondent No.2/complainant.

4. Learned Senior Counsel appearing for the petitioner vehemently submits that the petitioner and the complainant are known to each other since long time, and the complainant was well aware of the fact that the petitioner was married and the petitioner had also shared the pregnancy report of his wife to the complainant and there are several whatsapp chats between them. She further submits that the petitioner provided a huge amount of Rs.16 lakhs to the complainant and celebrated her

birthday and both of them had also been to Srilanka on 13.02.2024 and the relationship between the petitioner and complainant is consensual and hence, the ingredients of Section 64(1) of BNS are not attracted against the petitioner. She further submits that the petitioner is a Doctor and working as Senior Resident Officer in Government Hospital, Mahabubabad and he has no criminal antecedents and prays to grant anticipatory bail to him as he is ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress 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 and hence, he is not entitled for grant of anticipatory bail.

6. Learned counsel for respondent No.2/complainant submits that the petitioner had given false assurance to the

complainant that he is a divorcee and would marry her and believing the same, the complainant had given consent for physical relationship and such consent, given under a false promise of marriage, is not considered as valid consent. He further submits that the alleged amount stated to have been received by the complainant was towards the hospital charges and travelling charges, originally spent by her and in fact, she has not received any amount from the petitioner. Learned counsel further submits that at the instance of the petitioner, respondent No.2 had undergone fertility test also and thereafter, she came to know that the petitioner had not obtained divorce and hence the ingredients of Section 64(1) of BNS are attracted against the petitioner.

6. Having considered the rival submissions made by learned counsel for the respective parties and after perusal of the material available on record, it reveals that the petitioner and the complainant are known to each other since a long time and there are several whatsapp chats between them and the petitioner had also shared the pregnancy report of his wife to

the complainant. Even according to the complaint coupled with the documents placed by either parties before the Court, the relationship between the petitioner and the complainant appears to be consensual. Whether the petitioner had given amount to respondent No.2 or whether the said amount had originally been received towards the hospital charges or travelling charges spent by the complainant are the aspects which can be known during the course of investigation. Insofar as the contention of the complainant that based on the false assurance of the petitioner, she has given consent for physical relationship, such consent cannot be considered as valid consent and hence ingredients of Section 64(1) of BNS would apply, the same is an issue which needs to be decided during the course of trial. As evident from the record, petitioner is working as Senior Resident Officer in Government Hospital, Mahabubabad and even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

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

- i. The petitioner/accused shall surrender before the Station House Officer, Banjara Hills Police Station, Hyderabad, on or before 14.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) with two sureties, for a like sum each.
- ii. On such release, petitioner/accused shall appear before the Station House Officer, Banjara Hills Police Station, on every Sunday at 11:00 a.m. commencing from 20.07.2025 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, the petitioner/accused shall not influence the witnesses or interfere with the investigation.
- iv. After release, the petitioner/accused shall not contact the complainant or her family members in any manner.

v. The petitioner/accused shall surrender his passport before the concerned court and without obtaining permission, he shall not leave even the State of Telangana also.

vi. Petitioner/accused shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

vii. If the petitioner violates any of the above conditions, respondents shall be at liberty to file an application seeking cancellation of bail.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 07.07.2025
LUR

J.SREENIVAS RAO, J