

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6821 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 petitioners/accused Nos.1 and 2 in Crime No.70 of 2025 of Ramagiri Police Station, Peddapalli District, registered for the offences punishable under Sections 64(2)(m), 89 & 296(b) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Sections 3(2)(v) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'the SC/ST (PoA) Act').

2. The case of prosecution in brief is that on 28.05.2025 at about 12:00 hours, the complainant lodged a complaint, stating that she was married to one Lavan in the year 2018 and they had a girl child. While so, petitioner No.1, who is the friend of her husband, used to visit her house in the absence of her

husband and by threatening her with dire consequences, developed illicit intimacy with her. The complainant got pregnant and gave birth to a male child. Meanwhile, quarrels ensued between the complainant and her husband and they got separated. Petitioner No.2, who is the mother of petitioner No.1, took away the male child and petitioner No.1 rejected to marry the complainant and when complainant asked about the male child, both the petitioners abused the complainant in the name of her caste. Basing on the said complaint, the present crime is registered against the petitioners for the aforesaid offences.

3. Heard Mr. Mutyala Muralidhar, learned counsel representing Mr. M.Ajay Kumar, learned counsel for the petitioners/accused Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent No.1-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were

falsely implicated in this case. Learned counsel further submits that the petitioners never abused the complainant in the name of her caste and hence, the ingredients of SC/ST (PoA) Act are not attracted against them. Learned counsel further submits that petitioner No.1 and the complainant are having friendship since long time and hence, the ingredients of Sections 64(2)(m), 89 & 296(b) r/w 3(5) of BNS are also not attracted against the petitioners. He further submits that petitioner No.1 is an employee in Singareni Collieries Company Limited (SCCL) and petitioner No.2 is 55-year-old woman suffering with old age ailments and prays to grant anticipatory bail to the petitioners as they are 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 specific allegations are levelled against the petitioners and the investigation is under progress. Therefore, if the petitioners are granted anticipatory bail, there is every chance of their influencing the witnesses and interfering with

the investigation. Hence, prayed to dismiss the criminal petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that petitioner No.1 and the complainant are known to each other since January 2022. The record further reveals that petitioner No.1 is an employee of SCCL and petitioner No.2 is a housewife, aged about 55 years. Even according to the learned Additional Public Prosecutor, the petitioners have no criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2, subject to the following conditions:

- i. The petitioners/accused Nos.1 & 2 shall surrender before the Station House Officer, Ramagiri Police Station, Peddpalli District, on or before 24.06.2025, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 & 2 on bail on each of them executing personal bond for Rs.25,000/-

(Rupees Twenty Five Thousand only) with two sureties each for a like sum.

ii. On such release, the petitioners/accused Nos.1 & 2 shall appear before the Station House Officer, Ramagiri Police Station, on every Wednesday at 11:00 a.m. 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 petitioners/accused Nos.1 & 2 shall not contact the victim or her family members in any manner.

iv. Petitioners/accused Nos.1 & 2 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 17.06.2025
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J.SREENIVAS RAO, J