

THE HON'BLE SRI JUSTICE SREENIVAS RAO
CRIMINAL PETITION No.6869 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.282 of 2025 of Subedari Police Station, Warangal, registered for the offences punishable under Sections 64(2)(f)(m), 318(4), 74 and 75(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 28.04.2025, the de-facto complainant lodged a complaint stating that she married Suresh Kumar on 26.11.2015, and they were blessed with a baby girl. Her husband died in a road accident on 01.03.2018. While she was trying to secure the insurance, ESI, PF, LIC, and accident compensation, her elder sister's husband (the petitioner) came forward to assist her in the presence of family members. He took her to offices, saying the financial matters should be kept from her mother-in-law and mother. Later, he opened bank accounts in Andhra Bank in their village in the names of her and her daughter, and kept the cheque books, passbooks, and ATM cards with him. By gaining her trust, petitioner persuaded her to withdraw cash from their accounts. He later took Rs. 25 lakhs in cash

from her, promising to invest it in a fixed deposit in her daughter's name and to lend it out for interest. In addition to this, he took another Rs.10 lakhs of her personal savings. He also took 23 tulas of gold ornaments given to her at marriage, along with gold belonging to her husband and daughter, and pledged them for money. Petitioner kept the patta passbook of her daughter's 1-acre land in Sy.No.202/1 with him. In June 2018, petitioner asked her to come to Hanamkonda for signature verification at Mee-Seva. After she signed, he took her in his car to his house in Subedari Colony between 4 and 5 PM, saying he would drop her home. During the time, when her sister was not there in the house, he sexually abused her. When she questioned that why he did that, he shouted at her loudly and abused her. Therefore, she request the Police to take action against petitioner for keeping her cheque book, passbook, gold, bond papers and papers relating to the land and other documents with him and for keeping her money with him and for sexually abusing her and for threatening her and for cheating them.

3. Heard Mr.N.Ananda Rao, 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 any offence and he was falsely implicated in this case.

Even according to the allegations made in the complaint, the ingredients of Section 64(2)(f)(m) of the BNS are not attracted against the petitioner and the punishment prescribed for the other offences is below seven years. He further submitted that initially the crime was registered for the offence under Sections 318(4), 74 and 75(2) of BNS and the Police with an intention to harass the petitioner, included Section 64(2)(f)(m) of BNS. Even according to the allegations made in the complaint, the allegations are pertaining to June, 2018, whereas the de-facto complainant lodged a complaint on 28.04.2025 on the file of the Chandanagar Police Station and the said complaint was transferred to Subedari Police Station on the ground of jurisdiction. Basing on the said complaint, the present crime was registered on 08.05.2025. The de-facto complainant has not stated any reasons for the delay in lodging the complaint. He further submitted that the petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress. Therefore, if the petitioner is granted anticipatory bail, at

this stage, there is every chance to influence the witnesses and to interfere with the investigation. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that initially the crime was registered for the offence under Sections 318(4), 74 and 75(2) of BNS and later the Police included Section 64(2)(f)(m) of BNS. The record further discloses that there are no specific allegations against the petitioner to attract the ingredients of Section 64(2)(f)(m) of BNS and in the complaint the de-facto complainant only stated that the petitioner sexually abused her. Whereas in 161 statement, the de-facto complainant specifically mentioned about the incident to attract Section 64(2)(f)(m) of BNS. The record also discloses that the incident occurred in June 2018, but the de-facto complainant lodged the complaint on 28.04.2025, without stating any reasons for the delay. Even according to the learned Additional Public Prosecutor, the petitioner is not having any other criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions.

1. The petitioner/accused shall surrender before the Station House Officer of Subedari Police Station, Warangal, on or before 25.06.2025, and on such surrender, the said

Station House Officer shall release the petitioner/accused on bail on his executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties, for a like sum each.

2. After release, the petitioner/accused shall appear before the concerned SHO at 11.00 A.M. on every Sunday, 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 shall not influence the witnesses or interfere with the investigation.
 4. After release, the petitioner/accused shall not try to contact the victim in any manner.
 5. The petitioner/accused 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.

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

Date: 20.06.2025
vsl

J.SREENIVAS RAO, J