

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7038 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.302 of 2025 of Kushaiguda Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 69 and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Ms. M.Saraswathi Reddy, learned counsel for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 21.04.2025, the complainant lodged a complaint stating that her marriage was fixed with the petitioner and engagement ceremony was held on 25.08.2024 and on 22.01.2025, when she was alone at home,

petitioner visited her under the pretext of work and forcibly had sexual intercourse with her despite her resistance and that later due to the death of her paternal uncle, the marriage was postponed and the petitioner blocked her phone number and stated that he is not interested in marrying her. She alleged that her family had paid cash of Rs.2 lakhs and 8 grams of gold as dowry to the petitioner. 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. She further submits that even according to the complaint, the ingredients of Section 69 of BNS are not attracted against the petitioner and the other section of law being Section 318(4) of BNS is punishable with imprisonment upto seven years. She further submits that the petitioner was arrested on 24.04.2025 and since then, he is in judicial custody and the investigation is

completed except filing of chargesheet and the petitioner is a civil engineer and eking out his livelihood and he is not having any criminal antecedents and prays to grant bail as he is ready and willing to cooperate with the investigating officer for investigation and 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 specific allegations are leveled against him to attract the ingredients of Section 69 of BNS and the investigation is under progress and if the petitioner is granted bail at this stage, 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 record, it reveals that the petitioner was arrested on 24.04.2025 and since then he is in judicial custody. Even according to the learned Public Prosecutor, 14 witnesses were

already examined 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 II Additional Junior Civil Judge –cum- II Additional Judicial Magistrate of First Class at Kushaiguda.

(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 interfere with the investigation and influence the witnesses.

(iv) 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: 19.06.2025
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J.SREENIVAS RAO, J