

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7182 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused in Crime No.320 of 2025 on the file of the P.S. S.R. Nagar, Hyderabad, registered for the offences punishable under Sections 333 and 64 r/w. 62 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution in brief is that the complainant lodged a complaint, alleging that her husband, Murali Krishna, had worked for five years with Loanwala Company, owned by the accused/petitioner, who was also a friend of her husband. After her husband left the job, he got the complainant employed at the same company, where she worked for about a year before quitting. The complainant further alleged that thereafter, the petitioner sent inappropriate WhatsApp messages expressing a desire for sexual relations, which she rejected. It was also alleged that on 11.05.2025 at around 2:00 AM, the petitioner trespassed into her house in her husband's absence and coerced her for intercourse, threatening to kill

her if she disclosed the incident. She further stated that she became pregnant through IVF, and even after informing the petitioner, he continued to harass her. The complainant requested the Respondent to take appropriate legal action based on these allegations.

3. Heard Mr.Y.Rama 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 the offence and he was falsely implicated in the above crime. Even according to the allegations made in the complaint, the ingredients of Section 64 of BNS are not attracted against the petitioner and the punishment prescribed for the other offences are upto seven years. The investigating officer cannot proceed by taking coercive steps without following the mandatory procedure under Section 35(3) of BNSS. He further submitted that husband of the petitioner worked in the petitioner's company and after his resignation the *de-facto* complainant worked in the petitioner's company for a period of one year and she submitted resignation. Even according to the allegation, the alleged incident

taken place on 11.05.2025 at around 2 AM, whereas the complaint was lodged on 21:00 hours, i.e., after lapse of more than 19 hours. Even according to the allegations made in the complaint, petitioner sent whatsapp messages from date of submission of her resignation i.e., prior to alleged incident of one month, however, at no point of time, the *de-facto* complainant lodged any complaint. The petitioner has not harassed the *de-facto* complainant and also not committed the sexual offence. The petitioner is running financial company in the name and style of Loanwala Company and he is not having criminal antecedents. He further submitted that the petitioner shall abide by the conditions, which are going to be imposed by this Court, and he is ready and willing to cooperate with the investigation. Hence, the petitioner may be enlarged on anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offences and the investigation is under progress and if the petitioner is granted anticipatory bail at this stage, he may tamper with the evidence and may threaten the witnesses and also there is a threat to the *de facto* complainant in the hands of the petitioner, 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 the husband of the petitioner worked as an employee in the Loanwala Company and submitted resignation in the year 2019. Thereafter, the petitioner joined in the said company and worked for a period of one year. Even according to the allegations made in the complaint, it is evident that prior to alleged incident the petitioner sent whatsapp messages sexual messages to the *de-facto* complainant. The specific contention of the learned counsel for the petitioner is that the *de-facto* complainant has not lodged any complaint prior to 11.05.2025 and the petitioner never harassed the *de-facto* complainant and not harassed the *de facto* complainant. Even according to the learned Additional Public Prosecutor petitioner is not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, 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 S.R.Nagar Police Station, Hyderabad, on or before 08.07.2025, and on such surrender, the said Station House Officer shall release

the petitioner/accused on bail on his executing a personal bond for Rs.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 contact the *de facto* complainant or her family members in any manner.
 4. The petitioner/accused shall abide by the other conditions stipulated in Section 482 (2) of BNSS and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed

JUSTICE J.SREENIVAS RAO

Date: 02.07.2025

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