

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7480 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.6 seeking bail in Crime No.34 of 2025 of Urkonda Police Station, Nagarkurnool District, registered for the offences punishable under Sections 70 (1), 351 (3) and 310 (2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 28.03.2025, the victim went to her parental village to celebrate Ugadi. On 29.03.2025, after visiting Anjaneya Swamy Temple with her family and sleeping there, she was escorted by a relative to nearby fields. Around 10:30 pm, accused Nos. 1 to 7, including the petitioner, dragged her into the fields and tied her relative to a tree and committed rape on the victim one after the other and they also robbed the victim, taken away her gold ornaments and threatened to kill her, if she disclose the matter to others. Basing on the same, a crime was registered in Crime No.34 of 2025.

3. Heard Mr.Rapolu Bhaskar, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offences and he was falsely implicated in this crime. He further submitted that in the complaint and remand case diary, there are no specific allegations against the petitioner to attract the ingredients of the offence under Section 70 (1) of BNS. He further submitted that the petitioner was arrested on 02.04.2025 and since then he was in judicial custody. The very same allegations are levelled against accused Nos.1 to 4, 5 and 7 and they approached the learned Principal Sessions Judge, Nagarkurnool and filed CrI.M.P.Nos.628 and 629 of 2025 and the said applications were allowed on 30.06.2025 and they were enlarged on bail. Hence, the petitioner is also entitled for grant of bail. He further submitted that petitioner is not having any other criminal antecedents and the entire investigation is completed and the investigating officer after conducting investigation filed charge sheet before the learned Judicial First Class Magistrate, Kalwakurthy on 27.05.2025 and PRC number is awaited. He further submitted that custodial interrogation of the petitioner is not required and the

petitioner is ready and willing to prosecute the proceedings before the concerned Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that there are specific allegations against the petitioner to attract the ingredients of the Section 70 (1) of BNS and he threatened the victim and has taken the photos of the victim after committing the offence. Hence the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record and the complaint, it reveals that the petitioner was arrested on 02.04.2025 and then he was in judicial custody. The record further reveals that the very same allegations are levelled against accused Nos.1 to 4, 5 and 7 have filed CrI.M.P.Nos.628 and 629 of 2025 for grant of regular bail before Principal Sessions Judge, Nagarkurnool and the said applications were allowed on 30.06.2025. The learned counsel for the petitioner filed copies of the said orders along with I.A.No.1 of 2025. Even according to the learned Additional Public Prosecutor, the investigating officer after conducting investigation filed charge sheet

before the learned Judicial First Class Magistrate, Kalwakurthy on 27.05.2025 and PRC number is awaited and the petitioner is not having any other criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.6, subject to the following conditions:

- (i) The petitioner/accused No.6 shall execute a personal bond for a sum of Rs.20,000/-(Rupees twenty Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Kalwakurthy.
- (ii) The petitioner/accused No.6 shall appear before the concerned Court after receiving the summons regularly.
- (iii) After release, if the petitioner/accused No.6 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.
- (iv) The petitioner/accused No.6 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:07.07.2025

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