

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.7789 of 2025

ORDER:

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail, who is arrayed as accused No.1 in S.C.No.511 of 2024 on the file of the Special Sessions Judge for Fast Track Cases for Atrocities against Women I, at Hyderabad, registered for the offences punishable under Sections 376(2)(n), 417, 420 and 506 of IPC.

2. The brief facts of the case pertain to the allegations leveled by the victim/*de facto* complainant/respondent No.2 against the Petitioner/Accused, involving sexual exploitation under the false pretext of marriage. It is stated that the Petitioner and the victim were in a prolonged relationship, during which the Petitioner repeatedly engaged in sexual acts with the victim by assuring her that he would marry her, however, he later refused to fulfill this promise, causing emotional and psychological distress to the victim. It is further stated that despite her attempts to seek justice, the victim faced procedural hurdles and was denied proper

registration of her complaint by various police stations and the SHE Team. Earlier, the victim approached this Court by filing Writ Petition No.14600 of 2023, seeking directions for registration of her complaint, and on intervention by this Court, FIR was registered on 15.06.2023. The Petitioner was initially granted bail, but later upon examining the facts and circumstances by this Court, the same was cancelled *vide* order in Criminal Petition No.11109 of 2023. The Petitioner challenged the same before the Hon'ble Supreme Court by way of filing a Special Leave Petition, which was dismissed, thereby, affirming the cancellation of bail. Aggrieved by his implication in the case, this Criminal Petition is filed.

3. Heard Sri MA.Mujeeb, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of respondent – State.

4. Learned counsel for petitioner submits that based on a complaint lodged by the *de facto* complainant, Crime No. 17 of 2023 was registered before Film Nagar Police Station on 15.06.2023 and after investigation, the police filed a charge sheet and the case was taken cognizance in S.C. No. 511 of

2024, wherein, the Petitioner was arrayed as Accused No. 1. He contends that the investigation was conducted in a faulty manner without proper verification of facts. He asserts that the bail of Petitioner was cancelled by this Court in Criminal Petition No.11109 of 2023, and the Hon'ble Supreme Court declined to interfere, thereby upholding the cancellation, and consequently, the Petitioner was arrested and remanded to judicial custody.

5. Learned counsel for petitioner further submits that during the pendency of proceedings, the Petitioner and the *de facto* complainant solemnized their marriage on 20.09.2024 in accordance with Mohammedan Law, with the complainant's father and brother acting as witnesses. He further asserts that the marriage certificate has been placed on record and remains undisputed, as acknowledged by the defacto complainant during bail arguments in Crl.P. No. 6721 of 2025. He contends that the investigation is complete and he is entitled to face trial without fear or prejudice, and that the Humayun Nagar Police has also filed a charge sheet in Crime No.494 of 2023, charges were framed on 09.06.2025 and the matter was posted for trial, though proceedings were

adjourned due to the presiding Officer's leave. He pointed out that the defacto complainant initially lodged a complaint with the Golconda Police on 26.05.2023, and subsequently filed another complaint with the Film Nagar Police on 15.06.2023, containing a different and more severe set of allegations. He submits that the first bail application of Petitioner was dismissed by the learned Special Sessions Judge on 23.05.2025 and later by this Court on 18.06.2025 in CrI.P. No. 6721 of 2025 and that this is the second bail application, and the Petitioner undertakes to abide by any conditions imposed by this Court.

6. While advocating that the Petitioner is the sole caretaker of his aged and ailing parents and his wife, and is facing undue hardship despite no fault of his own, learned counsel for Petitioner prayed this Court to allow this Criminal Petition, granting bail to the petitioner.

7. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the offences as alleged

against the petitioner are of serious nature. Therefore, prayed the Court to dismiss the criminal petition.

8. Learned counsel for Respondent No. 2 submits that the bail petition filed by the Petitioner/Accused is devoid of merit and is a calculated attempt to evade the consequences of his unlawful conduct. He contended that the Petitioner has consistently misused the process of law and violated bail conditions, and averred that this Court had earlier cancelled the bail granted to the Petitioner in Criminal Petition No.11109 of 2023, and the Hon'ble Supreme Court subsequently dismissed the Special Leave Petition challenging the said cancellation. He strongly contended that despite these judicial orders, the Petitioner absconded and failed to surrender, leading to the issuance of a Non-Bailable Warrant dated 26.07.2024. He further contended that the Petitioner, having exhausted legal remedies, married the victim on 20.09.2024 solely to circumvent the legal consequences of the criminal proceedings, and that the marriage was coerced under pressure from the Petitioner and his family, and was not entered into voluntarily by the victim. Even after the lodging of complaints and issuance of warrants, the Petitioner

continued to harass the victim and tamper with evidence. He divulged that multiple FIRs have been registered against petitioner, and he has a history of criminal conduct. The victim initially approached the SHE Team and various police stations, but was repeatedly denied proper registration of her complaint due to procedural lapses and alleged collusion between the Petitioner and police officials. It was only after filing Writ Petition No. 14600 of 2023 before this Court that the complaint was finally registered on 15.06.2023. He emphasized that there has been no change in circumstances since the dismissal of the previous bail application on 18.06.2025 and that the grounds for rejection remain valid and continue to apply. Therefore, prayed that the present bail application be dismissed in the interest of justice.

9. Having regard to the rival submissions and on perusal of the material placed on record, it is noted that the allegation against the petitioner is that he threatened the de facto complainant to withdraw the case, which led to the cancellation of his bail by this Court. The said order was challenged before the Hon'ble Supreme Court by way of Special Leave Petition, which was dismissed, observing that

the call records and the charge sheet contained incriminating material, thereby confirming the order of this Court.

10. Subsequently, according to the petitioner, he married the de facto complainant, and the learned counsel for the de facto complainant has admitted that a marriage did take place between the parties. However, it is the specific contention of the learned counsel for the de facto complainant that even after the marriage, the petitioner has been harassing her to withdraw the case and has also filed a compromise petition before this Court. It is further submitted that the offence under Section 376 IPC is not compoundable and cannot be withdrawn at the instance of the de facto complainant, as it is an offence against the society at large.

11. It is also submitted that the case is now posted for trial and is at the stage of recording the evidence of P.W.1, for which summons have been served on the de facto complainant. On the date fixed, the matter could not be taken up as the Presiding Officer was on leave. The only apprehension expressed by the de facto complainant is that if

the accused is released on bail, there is a threat that she may not be able to depose freely.

12. From the record, it is evident that even at the stage when the matter was before the Hon'ble Supreme Court in the SLP, there were allegations of threatening calls to the de facto complainant. Notwithstanding these allegations, the de facto complainant subsequently married the accused. Such marriage, however, is not a ground for withdrawal or acquittal in the present case, nor can it be made the basis for a compromise petition in respect of the offence under Section 376 IPC.

13. At the same time, it is admitted that the marriage took place after the alleged threats. The present allegation is that he married her only for the purpose of compromising or withdrawing the case. However, the offence under Section 376(2)(n) is not a compoundable offence, and marriage is not a ground to consider compromise. Further, the de facto complainant cannot withdraw the criminal case even if she wishes to do so, as it is an offence against the State. The petitioner has been in judicial custody since 26.05.2025, for

over 75 days. In view of the above circumstances, this Court is of the opinion that the petitioner can be granted bail, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a like sum each, to the satisfaction of the Special Sessions Judge for Fast Track Cases for Atrocities against Women – I at Hyderabad.
- ii. The petitioner shall abide by the conditions stipulated in Section 482(2) of BNSS (previously known as Section 437(3) of Cr.P.C.).
- iii. The petitioner shall not call the de facto complainant or any other witnesses during the course of trial.

14. Accordingly, this criminal petition is allowed.

Miscellaneous applications, if any pending, shall also stand closed.

K. SUJANA, J

Date: 12.08.2025
SAI

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