

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7945 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 seeking bail in Crime No.982 of 2025 of Narsingi Police Station, Cyberabad, registered for the offences punishable under Section 376(2)(n), 420 and 506 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of prosecution in brief is the victim, a married woman, became acquainted with the petitioner, also a married man, in 2015 while working in California, USA. She confided in him about her marital issues, which he exploited to gain her emotional trust, manipulate her into believing in a future together, and persuade her to seek divorce and forgo maintenance. In 2021, during a visit to Hyderabad, the petitioner, with support from one Mr. Vivek, promised to make her a co-owner in a real estate project and collected her documents under the pretext of legal formalities. Claiming financial distress, he induced her to transfer a total of Rs. 55 lakhs between November 2022 and April 2023. He took her to Goa under the pretext

of starting a new life and allegedly sexually exploited her. On 16.12.2023, at Aditya Fort View Villas, Manikonda, he had physical relations with her, and following a quarrel over marriage and money, he allegedly assaulted and threatened to kill her. She further alleged that he took jewellery worth Rs. 25 lakhs, which he denies, and no recovery or proof of handing over was produced. Basing on the same, present crime was registered.

3. Heard Ms.Kathyaeni Ramshetty, 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 is innocent person and he did not commit the alleged offences and he was falsely implicated in this crime. She further submitted that even according to the allegations made in the complaint, the incident was taken place in the month of December, 2023 and the de-facto complainant lodged a complaint on 17.05.2025, without giving any explanation for the delay and the ingredients of section 376(2) (n) of IPC are not attracted against the petitioner and the punishment prescribed for the other offences is upto seven years and the police with

an intention to harass the petitioner, included Section 376(2)(n) of IPC, to avoid the procedure as contemplated under Section 35(3) of BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**¹. She further submitted that the petitioner was arrested on 31.05.2025 and since then he is in judicial custody and since more than 36 days, he is in judicial custody and the entire investigation is completed, except filing of charge sheet. She further submitted that the petitioner is not having any other 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 grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed grave offences and there are specific allegations against him and the investigation is under progress and if the petitioner is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and 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 and the

¹(2014) 8 SCC 273

complaint, it reveals that the petitioner and the de-facto complainant are known each other since 2015 and petitioner was arrested on 31.05.2025 and since more than 36 days he is in judicial custody. The learned Additional Public Prosecutor placed on record the instructions furnished by the the Sub-Inspector of Police, Narsingi Police Station, Cyberabad, which reveals that 16 witnesses have already been examined, and the petitioner has no 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, subject to the following conditions:

(i) The petitioner/accused shall execute a personal bond for a sum of Rs.50,000/-(Rupees fifty Thousand only) with two sureties for a like sum each to the satisfaction of the II Additional Junior Civil Judge-cum-XII Judicial Magistrate of First Class, Ranga Reddy at Rajendranagar.

(ii) The petitioner/accused shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of six (6) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, petitioner/accused shall not influence the witnesses or interfere with the investigation.

(iv) After release, the petitioner/accused shall not try contact the victim directly or indirectly.

(v)The petitioner/accused 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:04.07.2025

vsl