

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.8599 of 2025

ORDER:

This Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.4 seeking anticipatory bail in connection with Crime No.164 of 2025 on the file of the Station House Officer, Yellareddypet Police Station, Rajanna Siricilla District registered for the offences punishable under Sections 64(2)(m), 81, 83, 137(2), 351(2) R/W 49 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 5(l) r/w 6 and 17 of The Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

2. Heard Mr.T.Surya Satish, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution in brief is that accused No.1 developed acquaintance with the minor victim girl, abducted her on the pretext of love and marriage, took her to Hanmakonda Town, took a room in lodge and committed sexual assault on her and accused No.2

supported accused No.1. Thereafter, accused No.1 took the victim girl to Tirupathi. The accused No.1 took the help of his maternal uncle, i.e., accused No.3, who received accused No.1 and victim girl in Secunderabad Railway Station and took them to Chandrapur Town of Maharashtra State. The accused No.3 informed the above matter to the petitioner/accused No.4, who also assisted the acts of accused No.1. Thereafter, accused No.1 married the victim girl in a Temple.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime. Even according to the remand case diary, the only allegation levelled against the petitioner is that he provided the vehicle to accused No.1 and there are no other allegations levelled against the petitioner. Hence, the ingredients under Sections 64(2)(m), 81, 83, 137(2), 351(2) R/W 49 of BNS and Sections 5(l) r/w 6 and 17 of the POCSO Act are not attracted against the petitioner. The petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by

this Court. Hence, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner and accused Nos.2 and 3 helped accused No.1 in committing the offence and there are specific allegations levelled against the petitioner and the investigation is under progress. Therefore, at this stage, if the petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that main allegations are levelled against other accused. Insofar as the petitioner is concerned, the allegation levelled against him is that he provided car to accused No.1. Even according to the learned Additional Public Prosecutor, accused Nos.1 to 3 were arrested on 19.06.2025 and sixteen witnesses were already examined and the 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 No.4, subject to the following conditions:

- i) The petitioner/accused No.4 is directed to surrender before the S.H.O., Yellareddypet Police Station, on or before 23.07.2025 and on such surrender, the said Station House Officer is directed to release the petitioner/accused No.4 on bail on his executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousands only), with two sureties for a like sum each to his satisfaction.
- ii) After release, petitioner/accused No.4 shall appear before the concerned S.H.O. at 11.00 a.m. on every Wednesday for a period of four 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 No.4 shall not interfere with the investigation and not influence the witnesses.
- v) After release, the petitioner/accused No.4 shall abide by the conditions stipulated under Section 482 (2) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 17.07.2025
pgp