

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10493 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.6 in Crime No.290 of 2019 on the file of Falaknuma Police Station, Hyderabad.

2. The case of the persecution is that on 25.09.2019 the *de facto* complainant lodged a complaint before the Police stating that on 29.09.2016, she got married to one Mohd. Tayyab Pasha in the presence of elders as per Muslim Law but after two days of marriage, her husband and her mother-in-law have started harassing her in the name of black magic stating that there is an evil spirit lying in her body and called on Tantric and use to do black magic and they used to beat her if she does not listen to them. After one year on 01.01.2018, she was blessed with a boy. After giving birth to a child also, they did not stop harassment and on 23.12.2018 while she was at her grandmother's house, her husband called her through phone and asked her to come to house and at that time they performed black magic with one Tantric. The Tantric asked her husband to get her without clothes

and only on maxi, and later in front of her husband, the Tantric made her lie down on the bed and kept one lemon into her vagina and read some mantras. She has denied this act and then the said tantric made her husband to perform sexual intercourse in front of him and after five minutes, the said tantric also had sexual intercourse and recorded the same in cell phone. Her in-laws blackmailed her by showing the video and threatened to don't inform to anybody. Basing on the said complaint, the Police registered a case in Crime No.290 of 2019 under Sections 354-B, 376, 417, 420 of Indian Penal Code (IPC), 1860, and 376 r/w 109 IPC and Section 7 of the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954.

3. Heard Sri Md. Fasiuddin, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of respondent No.1 - State.

4. Learned counsel for the petitioner submitted that the petitioner is not aware of the registration of any case against him and he was not arrayed as accused in FIR. He further submitted that the petitioner is innocent and has been falsely implicated in this case. He further

submitted that there are no specific allegations against the petitioner. He also submitted that the case against A.1 to A.3, A.5 & A7 ended in acquittal before the trial Court. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations are serious in nature. At this stage, granting of pre-arrest bail does not arise. Therefore, he prayed the Court to dismiss this Criminal Petition.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material on record, the crime is of the year 2019 and the case against A.1 to A.3, A.5 & A7 was ended in acquittal on 10.02.2025 in S.C.No.142 of 2024 and while filing charge sheet in S.C.No.142/2024, the Police stated that they will file separate charge sheet against the petitioner and as on today, there is no charge sheet. Considering the above facts and circumstances of the case and the statement of the victim in the trial Court, this Court deems it fit to

allow the petition and grant anticipatory bail to the petitioner, subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Falaknuma Police Station, Hyderabad, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
 - ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
 - iii. The petitioner shall appear before the concerned Investigating Officer on every Wednesday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.
7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 28.08.2025
PRN

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