

THE HONOURABLE SMT. JUSTICE K.SUJANA

CRIMINAL PETITION No.12949 of 2025

ORAL 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 in Crime No.1361 of 2025 before the Madhapur Police Station, Cyberabad Commissionerate.

2. The brief facts of the case are that the de facto-complainant, while searching for a job in May 2025, came into contact with the petitioner, and both started communicating. Later, the petitioner visited her room at Izzat Nagar, and they developed a physical relationship and began residing together. During this period, the petitioner allegedly promised to marry her. Subsequently, the complainant became pregnant but suffered a miscarriage due to ill health. When she later asked the petitioner to marry her, he allegedly refused and threatened her.

3. Heard Sri Siddharth Panwar, learned counsel representing Sri Mohd. Muzafferullah Khan, learned counsel appearing on behalf of the petitioner as well as Sri E. Ganesh, learned Assistant Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated and that the relationship between the parties was consensual and that even if the prosecution version was accepted, the ingredients of Section 69 of the BNS were not made out, as there was no allegation of deceit or false promise of marriage. He further submitted that the de facto-complainant had earlier filed an affidavit admitting that the complaint was lodged due to misunderstanding and that she was already married with a child, which further weakened the prosecution case. He contended that there were no specific allegations to attract Section 351(2) of BNS, that the petitioner had no criminal antecedents. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Assistant Public Prosecutor opposed the bail stating that the allegations leveled against the petitioner are serious in nature. If the petitioner is released on bail, there is every chance of threatening the victim for withdrawal of the case. Therefore, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon a perusal of the material available on record, it appears that the alleged offence against the petitioner is under Section 69 of the BNS, and the de facto complainant herself, in her affidavit before the trial Court, stated that she had falsely implicated the petitioner in this case. Even otherwise, there was no promise of marriage prior to the physical relationship between the petitioner and the de facto complainant. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Madhapur Police Station, Cyberabad Commissionerate, within two weeks from today, and on such surrender,

the said Station House Officer shall 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 Monday 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: 14.10.2025
SAI

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