

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13633 of 2025

ORDER:

The present Criminal Petition is filed praying this Court to grant pre arrest bail to the petitioner who is arrayed as accused No.1 in Crime No.209 of 2025 before the Utnoor Police Station, Adilabad district, registered for the offences punishable under Sections 64(2)(m) of BNS, 6 of POCSO Act, Sections 9 and 10 of PCM Act.

2. The brief facts of the case are that the daughter of complainant was allegedly followed and coerced into marriage by petitioner/Kunarapu Rajkumar, who had married her and after the marriage, he took her to his native village, where he allegedly physically and mentally harassed her, forcing her into sexual intercourse without her consent. When she visited her parents' home two weeks prior, she revealed the abuse and refused to return to her husband's house, prompting her mother to file a complaint on August 5, 2025. On receipt of the said complainant, a

case was registered against the accused for the offences as alleged.

3. Heard Sri P.Ramachandran, learned counsel for petitioner, and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case at the instance of the de facto complainant, who is the mother-in-law of the petitioner, and that the complaint was registered by PS Utnoor without conducting any preliminary enquiry. He contended that the marriage between the petitioner and the alleged victim was an arranged one, solemnized on 06.03.2025 through a mediator in the presence of elders and relatives of both communities, and that neither the mediator nor the complainant disclosed the age of the victim at any point prior to the marriage. He asserted that the petitioner, a resident of Kothapalle village, Peddapalli District, and employed as a driver in Mumbai, stayed with the victim for only about 15 days post-marriage and later returned to

Mumbai. He averred that on 25.07.2025, he brought the victim from Nirmal to his residence as she was unwell, and when she went missing from the bus stop, he lodged a missing complaint at Nirmal PS, which was later closed upon tracing her. He further submitted that the father-in-law of the petitioner committed suicide on 30.07.2025 due to financial distress, and only thereafter, on 05.08.2025, the de facto complainant lodged the present complaint alleging sexual assault and suppression of the victim's age. Therefore, he prayed this Court to grant anticipatory 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 petitioner stating that there are serious allegations against the petitioner which would require his custodial interrogation. Therefore, he prayed this Court to dismiss the criminal petition, stating that if the relief of anticipatory bail is granted to petitioner, the investigation would be hampered.

6. Having regard to rival submissions made and on going through the material placed on record, it is noted that the allegation leveled against the petitioner is that he married the victim in spite of being aware of the fact that she is minor and he insisted for marriage, whereas, it is seen that the complaint is lodged after one year of marriage and the marriage is an arranged marriage and there was a mediator between both the families. Considering the facts of this case in entirety, this Court deems it fit to grant pre-arrest bail to petitioner, subject to compliance of the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Utnoor Police Station, Adilabad district, within two weeks from today, and on such surrender, the said Station House Officer shall release petitioner on bail, on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only), 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: 06.11.2025
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