

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13726 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 FIR.No.461 of 2025 before the Godavarikhani I Town Police Station, Ramagundem District, registered for the offences punishable under Sections 376(2)(n), 290, 323, 109, 417, 506 read with 34 of IPC, read with 6 of POCSO Act.

2. The brief facts of the case are that based on a complaint lodged by the defacto complainant against the petitioner (A-1) and two others (A-2 and A-3) alleging that A-1, a friend of the complainant's brother-in-law, developed acquaintance with the minor victim and, under the guise of love, sexually assaulted her at his residence in May 2014 and threatened her not to disclose the incident. Thereafter, A-2 and A-3, being the mother and sister of A-1, allegedly confined the victim at their residence for several days and supported A-1. Following the transfer of the victim's mother

to Bhupalpalli, the victim resided with her grandmother, and during her absence, A-1 allegedly continued to visit the victim, subjecting her to physical abuse, threats, and maintaining sexual relations on the promise of marriage after his sister's wedding. Despite the victim conceiving in December 2023 and February 2024, A-1 allegedly induced abortion through medication and ultimately married another woman, Sruthi, on 06.08.2025, thereby cheating the complainant.

3. Heard Sri Y.Bala Murli, 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 defacto complainant, had previously been in a relationship with one Budida Harsha Kumar, who allegedly attempted to coerce the petitioner into marriage under the instigation of her elders, offering employment benefits through her mother employed in Singareni Company, and upon the petitioner's refusal, the complainant and her family members allegedly fabricated the complaint to blackmail

and extract money, supported by photographs evidencing her prior intimacy with the said Harsha Kumar. He contended that the petitioner and his family members have no role in the alleged offences and that the complaint was lodged only after the petitioner's recent marriage, thereby causing irreparable harm to his marital life and career. He averred that the allegations of sexual exploitation, pregnancies, and abortions are denied as false and unsupported by any medical or documentary evidence. He further averred that the complainant attained majority in 2017, and hence, invocation of the POCSO Act in 2025 is a gross misuse of legal process. Therefore, while advocating that the investigation is substantially complete, material witnesses have been examined, and there is no risk of tampering with evidence, 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. 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 allegations against the petitioner pertain to the year 2011 and there is prior acquaintance of complainant with the petitioner. According to de facto complainant, due to adolescence age she believed the words of petitioner. However, it is noted that though there is physical harassment, the complainant had not reported the same to the Police or even to her own parents. Considering the relationship between the parties from the year 2011 to 2025 and the circumstances of the 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, Godavarikhani I Town Police Station, Ramagundem District, within two weeks from today, and on such surrender, the said Station House Officer shall release petitioner on bail, on

her 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: 10.11.2025
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