

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13751 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.1 in Crime No.1168 of 2025 before the Uppal Police Station, Rachakonda Commissionerate.

2. The brief facts of the case are that the de facto complainant and the petitioner became acquainted through Telugu Matrimony. After mutual consent, both families met and held an engagement ceremony on 08.06.2025, followed by a Lagna Patrika ceremony on 20.08.2025. It was alleged that during their engagement period, the petitioner called the complainant to meet him privately at SVM Grand Hotel, where he forcefully had sexual intercourse with her against her will under the false promise of marriage. Subsequently, he refused to marry her without any valid reason, causing her emotional trauma and financial loss.

3. Heard Sri V. T. Kalyan, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent - State and Sri Ramprasad Pathipaka, learned counsel appearing on behalf of respondent No.2/de facto complainant.

4. Learned counsel for the petitioner submitted that the petitioner was innocent and falsely implicated in the present crime and that the relationship between the petitioner and the complainant was consensual and that no offence under Sections 69, 318(4) r/w 3(5) of the BNS Act was made out. He further submitted that a mere breach of promise to marry did not constitute rape as per settled principles of law and that the petitioner was a permanent resident of Maharashtra, had a fixed place of residence, and there was no likelihood of absconding or tampering with evidence. 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 vehemently opposed the submissions made by learned

counsel for petitioner, stating that the allegations leveled against the petitioner are serious in nature. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. Learned counsel for the respondent No.2 submitted that the petitioner had induced the complainant into sexual intercourse by deceitful means under a false promise of marriage, amounting to a grave offence under Section 69 of the BNS Act and that the acts of the petitioner demonstrated *mens rea* and deliberate deceit, thereby violating the complainant's bodily autonomy and dignity. He further submitted that the offence was serious and non-compoundable, and granting anticipatory bail at the initial stage would obstruct the investigation and endanger the safety of the victim. Therefore, he prayed the Court to dismiss the criminal petition.

7. 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, according to the de facto

complainant, the marriage was settled between the parties and, thereafter, the engagement was also performed. After the engagement, the petitioner allegedly forced the de facto complainant into a physical relationship and later refused to marry her. On considering the contentions of both parties, the averments in the complaint, and the allegations against the petitioner, it appears that the parties are majors and were in a relationship after their engagement. 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, Uppal Police Station, Rachakonda Commissionerate, 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 Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 04.11.2025
SAI

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