

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13874 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.3 in Crime No.216 of 2024 of Kusumanchi Police Station, Khammam District.

2. The brief facts of the case are that a complaint lodged on 02.10.2024 by the mother of a minor girl, alleging that the accused had repeatedly committed rape on the victim in her house during her parents' absence. It was alleged that the offence occurred several times over the past year and came to light when the victim fell ill. Upon medical examination, it was discovered that she was pregnant, following which her parents got the pregnancy terminated on 30.09.2024. When questioned, the accused and his wife allegedly quarrelled with and threatened the complainant's family.

3. Heard Sri Alluri Divakar Reddy, 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.

4. Learned counsel for the petitioner submitted that the petitioner was innocent and falsely implicated in the case based on vague and baseless allegations and that the complaint did not disclose the commission of any offence under Sections 65(1), 296(b), 351(2) of the BNS or Section 5 read with 6 of the POCSO Act. He further submitted that the offences alleged were punishable with less than seven years of imprisonment, and hence, the petitioner was issued notice under Section 35 of the BNSS, to which he duly responded and appeared before the police. 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 petitioner is actively involved in the alleged offences. Further, there are clear allegations against the petitioner. Therefore, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and on perusal of the material available on record, it appears that the charge sheet filed by the Investigating Officer discloses that the petitioner is liable for punishment for the offence under Section 5(3) of the Medical Termination of Pregnancy Act. As seen from the record, there are no specific or direct allegations against the petitioner for the offence under the POCSO Act, and the role attributed to him appears to be limited. It is also evident that notice under Section 35(3) of the BNSS was duly served on the petitioner, and he had cooperated with the investigation by appearing before the respondent police. Further, the investigation was already completed and the charge sheet was also filed. Considering the facts and circumstances of the case, the nature of allegations, and the stage of investigation, this Court is of the opinion that the custodial interrogation of the petitioner is not warranted and that 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, Kusumanchi Police Station, Khammam District, 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.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.11.2025
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