

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16084 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.398 of 2024 of Chandrayangutta Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the accused was introduced to the *de-facto* complainant by her husband namely Sameer Khan before living to USA. Thereafter, the accused used to visit the *de-facto* complainant on the one pretext or other. It is stated that the accused besides participating in sexual intercourse with the *de-facto* complainant by promising to her to marry, also used to take money from the *de-facto* complainant under the guise of investment in business. However, when the *de-facto* complainant questioned about the marriage, the accused started ignoring her. Hence, a case was registered vide Crime No.398 of 2024 before the Chandrayanagutta Police Station, Hyderabad, for the offences punishable under Sections 69, 318(2), 318(4) of BNS.

3. Heard Sri Y.Soma Srinath Reddy, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that there is consensual relationship between the accused and the *de-facto* complainant. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 22.12.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Bandlaguda, Hyderabad District, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that In this regard, he placed reliance on the judgment of the Apex Court in Criminal Appeal No.3431 of 2023 dated 06.03.2024 and prayed the Court to grant 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 allegations leveled against the petitioner is heinous in nature and the investigation is not yet completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, it is apparent that the petitioner and the *de-facto* complainant are in consensual relationship. Hence, since the petitioner is languishing in jail from 22.12.2024 and also material part of investigation is completed, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the Chief Judicial Magistrate at Nampally, Hyderabad.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 02.01.2025

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THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.16080 of 2024

Date: 02.01.2025

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