

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.16346 of 2024

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 put under investigation in relation to Crime No.433 of 2024 before the Kothapalli Police Station, Karimnagar District, Telangana, registered for the offence punishable under Sections 47, 75, 78, 79, 351(2) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 3(1)(r)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015.

2. The brief facts of the case are that on September 6, 2024, at Justice Kumarayya College of Law, where the complainant, Davala Parimala, was allegedly harassed by sole accused, a non-teaching staff member. It was alleged that accused touched Parimala inappropriately, stalked her, and repeatedly asked for personal interactions despite her clear disinterest. It was also alleged that he used derogatory language, referring to her caste and threatened her with dire

consequences, including killing her if she fails to oblige to his demands. However, though the petitioner was not arrayed as accused in the said crime, in the remand report it was mentioned as under investigation against the petitioner. Aggrieved thereby, this criminal petition is filed.

3. Heard Sri PVL Bhanu Prakash, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent State.

4. Learned counsel for the petitioner submitted that the petitioner denies the allegations and contends to be falsely implicated in the crime. He further contended that the respondent failed to issue mandatory notices under Section 35(1) BNSS and did not follow the guidelines set by the Supreme Court in **Arnesh Kumar Vs. State of Bihar**¹. He asserted that petitioner apprehends arrest based on the confession statement of the accused, Sri Kolipaka Venkateshwerlu, despite no specific allegations being levelled against her. He averred that the complaint lacks specific allegations of harassment against the petitioner and

¹ 2014 (8) SCC 273

that she is not related to the alleged indecent behavior of accused. He reiterated that the petitioner is innocent who comes from a respected family, and has worked as the Principal of the Law College for 10 years without remarks, and that she is a native of Karimnagar District, has no intention of absconding, and is willing to cooperate with the investigation. Therefore, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner, stating that there are several discrepancies which would relate the petitioner to the case and that the same requires investigation. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. While concurring with the view of learned Additional Public Prosecutor, learned counsel for respondent No.2 submitted that the name of petitioner does not appear in the FIR in Crime No. 433/2024 and although it appears in the remand case diary under "under investigation", there is no

reasonable basis for the petitioner to believe they may be arrested. He contended that the contentions of learned counsel for petitioner are vague and general, and mere fear of arrest is not sufficient to grant anticipatory bail. In support of this contention, he relied on the judgment rendered by the Hon'ble Supreme Court in the case of **Gurubaksh Singh Sibbia V State of Punjab**², emphasizing that a blanket order of anticipatory bail should not be passed without specific events and facts disclosing a reasonable belief that the petitioner may be arrested. The Hon'ble Supreme Court held as follows:

"We have said that there is one proposition formulated by the High Court with which we are inclined to agree. That is preposition No. (2). We agree that a 'blanket order of anticipatory bail should not generally be passed. This flows from the very language of the section which, as discussed above, requires the applicant to show that he has "reason to believe" that he may be arrested. A belief can be said to be founded on reasonable grounds only if there is something

² 1980 AIR 1932

tangible to go by on the basis of which it can be said that the applicant's apprehension that he may be arrested is genuine. That is why, normally, a direction should not issue under Section 438(1) to the effect that the applicant shall be released on bail "whenever arrested for whichever offence whatsoever." That is what is meant by a "blanket order of anticipatory bail, an order which serves as a blanket to cover or protect any and every kind of allegedly unlawful activity, in fact any eventuality, likely or unlikely regarding which, no concrete information can possibly be had. The rationale of a direction under Section 438(1) is the belief of the applicant founded on reasonable grounds that he may be arrested for a non-bailable offence. It is unrealistic to expect the applicant to draw up his application with the meticulousness of a pleading in a civil case and such is not requirement of the section. But specific events and facts must be disclosed by the applicant in order to enable the court to judge of the reasonableness of his belief, the existence of which is the sine qua non of the exercise of power conferred by the section."

7. Learned counsel for respondent No.2 concluded his arguments submitting that the petitioner approached the Court with unclean hands and is not entitled to relief, therefore, he prayed the Court to dismiss the criminal petition.

8. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the limited grievance of petitioner is that though her name is not mentioned in the FIR., her name is implicated in the remand report mentioning 'under investigation', stating that she has not taken any action against the accused. That being so, it cannot be said that there is no apprehension of arrest against the petitioner. Though learned counsel for respondent No.2 relied on the judgment rendered by the Hon'ble Supreme Court in the case of **Gurubaksh Singh** (supra 2) this Court is of the opinion that the same does not come to aid of respondent No.2, as the name of petitioner is mentioned in the report lodged by complainant, as well as, in the remand report. Further, the allegations leveled against the petitioner are that she has not taken any action against the accused but there are absolutely no allegations

relating to her involvement in harassing the complainant. Considering the same, this Court grants pre-arrest bail to the petitioner, *in the event of her arrest*, subject to compliance of the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Kothapalli Police Station, Karimnagar District, Telangana, within two weeks from today, and on such surrender, the said Station House Officer shall release her 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.

9. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall
stand closed.

K. SUJANA, J

Date: 23.01.2025
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