

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
THE HONOURABLE SMT. JUSTICE K. SUJANA**

CRIMINAL PETITION No.3806 of 2026

DATE: 31.03.2026

BETWEEN:

Md. Riyaz

....Petitioner/A.1.

And

The State of Telangana,
represented by its Public Prosecutor
High Court for the State of Telangana,
Hyderabad. Through the Station House
Officer, Police Station Sangem, Warangal
District and another.

... Respondents/de-facto complainant

ORDER

This Criminal Petition is filed under Section 482 of the 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.27 of 2026 of Sangem Police Station, Warangal District, registered for the offences punishable under Sections 9, 10 read with 12 of the Prohibition of Child Marriage Act, 2006; Section 64 (2)(m) of the BNS and Section 5(j)(ii) read with 6 of POCSO Act, 2012.

2. Heard Sri M.P.Kashyap, learned counsel for the petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. The case of the prosecution is that the *de facto* complainant lodged a complaint before the police, wherein it is stated that the marriage of the *de facto* complainant was solemnized with accused No.1 and out of their wedlock, they were blessed with two children. It is stated that due to family disputes between the complainant and his wife, they are living separately. It is further stated that the complainant's wife allegedly planned to arrange the marriage of her minor daughter (victim girl) to one Md.Riyaz, who is aged about 30 years and fixed the marriage on 29.05.2025. It is also stated that when the same was came to knowledge of the complainant, he informed the same to the officials of the Integrated Child Development Services (ICDS), who visited the village on 28.05.2025 and warned the petitioner. However, the petitioner performed the marriage of the victim and thereafter, the victim girl delivered a child on 12.10.2025 at Sri Raksha Hospital, Narsampet. It is stated that despite warning given by ICDS authorities, the complainant's wife conducted marriage to her minor daughter, who gave birth to a child. Hence, he requested the police to take necessary action against the petitioner. Basing on the same, police registered a case against the accused for the aforesaid offences.

4. Learned counsel for the petitioner submitted that the petitioner herein is accused No.1 and he is the husband of the

victim. He further submits that all the allegations made against the petitioner are with an intention to falsely implicate him in the present crime. He also submits that as on the date of marriage, the victim is aged about 21 years and the petitioner No.1, who is the husband of the victim, is aged about 25/26 years; that the marriage was performed according to Muslim Law and both are majors on the date of marriage. He further submits that though the complainant being the biological father of the victim girl, he left his wife and children to fend for themselves and is living with another woman for the past 15 years and hence, he prays to grant Anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the same and contended that the offences alleged against the petitioner are heinous and grievous in nature; that the victim girl is minor as on the date of her marriage and therefore, at this stage, the petitioner is not entitled for grant of bail and custodial investigation of the petitioner is required for further investigation and hence, he prays to dismiss the petition.

6. Having regard to the submissions made by both the parties and considering the material on record, it is noted that the petitioner is arrayed as accused No.1 in this crime and the marriage of the petitioner herein with the minor girl (victim) was performed on 07.12.2024, whereas as on the date of marriage, the

victim was aged about 21 years. Considering the allegations against the petitioner and the documents filed before this Court, this Court is inclined to grant Anticipatory bail to the petitioner subject to the following conditions:

- (i) The petitioner/A.1 shall surrender before the Station House Officer, Sangem Police Station, Warangal District, within two (2) weeks from today, and on such surrender, the petitioner shall be released on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a 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., or till the filing of the charge sheet, whichever is earlier, and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

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