

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.7817 of 2026

Date: 21.05.2026

Between:

Sypu Venkata Swamy Pradeep

..Petitioner/Accused

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court at Hyderabad,
Through Station House Officer,
Warasiguda Police Station,
Hyderabad District and another.

..Respondents

ORDER:

The petitioner filed the present Criminal Petition under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of bail in Crime No.81 of 2026 of Warasiguda Police Station, Hyderabad, registered for the offences punishable under Sections 64, 68, and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “the BNS”), Sections 5(1)(n) read with 6, 14, and 15 of the Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”), and Section 67(B) of the Information Technology Act, 2000 (for short “the IT Act”).

2. Heard Mr.MettuShankar, learned counsel for the petitioner, Mr.Arun Kumar Doddla, learned Additional Public Prosecutor, appearing for the respondent-State and Mr.M.Durga Prasad, learned counsel for respondent No.2.

3. Brief facts of the case are that on 16.03.2026, the complainant lodged a complaint stating that in July 2025, the accused, who had previously stayed at her residence under the guise of temporary shelter, drugged her elder daughter with a headache tablet and recorded a video of sexual intercourse while she was unconscious. The accused subsequently blackmailed her daughter with the footage, physically assaulted her, and forced her into multiple non-consensual sexual acts. Although the family initially refrained from reporting the matter after the accused apologized and promised to delete the videos during a family intervention, the harassment escalated on March 14, 2026. The accused intercepted her daughter in her native village, publicly defamed her character on his WhatsApp status, and made highly abusive, threatening phone calls to the complainant, prompting the family to seek immediate legal action.

4. Learned counsel for the petitioner submits that the petitioner has not committed the alleged offence and has been falsely implicated in the present case. He would further submit that the alleged incident took place on 21.07.2025 and that no complaint was lodged against the petitioner on the said date. According to the allegations made in the complaint, while the victim girl went to her native place on 14.03.2026 for obtaining EWS certificate, the petitioner met her, quarrelled with her, and recorded their conversation on his mobile phone. He would further submit that no complaint was lodged at the place where the alleged incident occurred, i.e., East Godavari District. The present complaint came to be lodged only on 16.03.2026, i.e., two days after the alleged incident. He would further submit that Section 5(1)(n) of the POCSO Act do not attract to the present case and would ultimately have to withstand judicial scrutiny after filing of the charge sheet by the police, which would take considerable time. Insofar as Section 64 of the BNS is concerned, he would submit that there is an inordinate delay in lodging the complaint and, in the absence of specific allegations attracting the particular provision, the same

would not withstand judicial scrutiny. He would further submit that Section 68 of the BNS is not applicable to the petitioner, as he is not a public servant. Insofar as Section 67(B) of IT Act is concerned, the said offence is punishable with imprisonment of less than seven years. He would further submit that the petitioner is a law-abiding citizen, is ready to cooperate with the investigation, and therefore seeks grant of bail.

5. *Per contra*, the learned Additional Public Prosecutor submits that the petitioner had earlier filed two bail applications before the learned trial Court and the same were dismissed. He would further submit that the investigation is still in progress and, if the petitioner is released on bail, there is every likelihood of his influencing the victim and tampering with the evidence. Hence, he prayed for dismissal of the present application.

6. Learned counsel appearing for respondent No.2/*de facto* complainant submits that the victim again lodged a complaint on 16.05.2026 against the father of the petitioner alleging that he threatened her while she was returning home after attending her examination. He would further submit that the petitioner had also

threatened the victim on 14.03.2026 when she visited her native place for obtaining EWS certificate. He would further submit that notice was served on the victim only on 20.05.2026 through Whatsapp, which is not an acceptable mode of service under law. Since the offences alleged are serious in nature, he prayed for dismissal of this petition.

7. In the light of the aforesaid facts and circumstances of the case, and upon perusal of the material available on record, this Court is of the opinion that the present Criminal Petition was filed on 12.05.2026. Admittedly, the victim lodged a complaint on 16.05.2026 alleging that the father of the petitioner had threatened her to withdraw the complaint. However, even assuming that the father of the petitioner had threatened the victim, the respondent-police ought to have registered an FIR. Undisputedly, no FIR has been registered in that regard. According to the learned Additional Public Prosecutor, notice was served on the victim on 13.05.2026. This clearly shows that the complaint dated 16.05.2026 was lodged by the victim only after receipt of notice from this Court. No hall ticket pertaining to the examination allegedly attended by the

victim on 16.05.2026 has been produced before this Court. However, the said aspects are not under consideration before this Court, since the present petition is filed only seeking bail.

8. In a series of judgments, the Hon'ble Supreme Court has categorically reiterated that grant of bail is the rule and refusal is an exception. In the instant case, the alleged incidents are stated to have taken place on 21.07.2025 and 14.03.2026, whereas the present complaint is lodged only on 16.03.2026. The respondent-police have also admitted that the petitioner is not a resident of Hyderabad and is residing in West Godavari District. Hence, this Court deems it appropriate to grant bail to the petitioner.

9. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a like sum each to the satisfaction of learned Special Court for the Trial of Protection of Children from Sexual Offences (POCSO) Act

Cases-cum-XII Additional Metropolitan Sessions Judge at Hyderabad.

- ii. On such release, the petitioner shall appear before Station House Officer concerned on every Monday and Friday between 10:00 am to 2:00 pm for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall cooperate with the Investigating Officer and shall not tamper with the evidence directly or indirectly.
- iv. The petitioner shall deposit his passport, if any, before the learned trial Court and he shall not leave the jurisdiction limits of the learned trial Court without prior permission.
- v. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).
- vi. In the event of any breach of the above conditions, the respondent shall be at liberty to seek cancellation of the petitioner's bail.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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sa/vsl

E.V.VENUGOPAL, J

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