

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8561 OF 2026

DATE : 24.06.2026

Between:

Sala Venkatesh

...Petitioner

AND

The State of Telangana

...Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as sole accused in FIR No.173 of 2026 on the file of Kothur Police Station, registered for the offences punishable under Section 60 of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr.R.Rama Krishna, learned counsel representing M/s. JMS Law Firm, appearing for the petitioner and Mr.Syed Yasar Mahmood, the learned Additional Public Prosecutor representing the respondent-State.

4. The prosecution case, in brief, is that the de facto complainant, who is stated to be a relative of the petitioner, had been in a romantic

relationship with him for a period of about six years. It is alleged that during the subsistence of the said relationship, the petitioner repeatedly established physical relations with the de facto complainant on the assurance and promise that he would marry her. According to the complaint, when the parties disclosed their relationship to their respective family members approximately two years prior to the lodging of the complaint, the proposal for marriage was not accepted by the families. Thereafter, it is alleged that the petitioner gradually ceased communicating with the de facto complainant, avoided contact with her, and ultimately refused to solemnize the marriage. Alleging that the petitioner induced her to consent to sexual relations by holding out a promise of marriage, which he subsequently failed to honour, the de facto complainant sought initiation of appropriate criminal action. Based upon the complaint lodged by the de facto complainant, the present crime came to be registered against the petitioner.

5.1 Learned counsel appearing for the petitioner submits that it is an admitted position that the petitioner and the de facto complainant were involved in a long-standing consensual relationship extending over a period of nearly six years. It is contended that the allegation of sexual exploitation is vague and bereft of particulars. He further submits that, according to the allegations contained in the complaint itself, the petitioner

had discontinued communication with the de facto complainant nearly two years prior to the registration of the crime and that no plausible explanation has been offered for the considerable delay in approaching the police authorities. It is further contended that the petitioner has no intention to evade the process of law and is ready and willing to cooperate with the investigating agency in all respects. Apprehending arrest on account of repeated visits by the police, the petitioner seeks the extraordinary relief of anticipatory bail under Section 482 of the BNSS.

5.2. Learned counsel for the petitioner further places reliance upon the decision of the Hon'ble Supreme Court in *Prashant v. State (NCT of Delhi)*, (2025) 5 SCC 764, wherein the Court, while considering allegations arising out of a prolonged consensual relationship between adults, observed that criminal liability cannot be mechanically inferred merely because a relationship ultimately culminates in a refusal to marry, particularly where the circumstances prima facie indicate a consensual association between the parties. It is thus contended that the facts of the present case stand on a similar footing and warrant the grant of pre-arrest bail.

6. Per contra, the learned Additional Public Prosecutor opposes the application contending that the complaint contains specific allegations to the effect that the petitioner induced the de facto complainant to enter into

physical relations by holding out a promise of marriage and thereafter reneged on the said promise. It is submitted that the investigation is still in progress and that grant of anticipatory bail at this stage may prejudice the prosecution and hamper effective investigation. Accordingly, dismissal of the application is sought.

7. I have considered the submissions and carefully perused the material available on record.

8. The allegations, in essence, disclose that the petitioner and the de facto complainant shared an intimate relationship for a considerable period and that physical relations were established during the subsistence of such relationship. The complaint further indicates that, for nearly two years preceding the registration of the crime, the petitioner had allegedly discontinued communication with the de facto complainant and had been avoiding her.

9. At this stage, it would be apposite to note that the distinction between a false promise to marry made from the very inception with no intention of being fulfilled and a subsequent failure to marry owing to supervening circumstances has been consistently recognised by the Hon'ble Supreme Court. In *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, wherein it was held that to establish the offence, it must prima facie appear that the accused never intended to fulfil

the promise of marriage at the time it was made and that the woman's consent was directly induced by such misconception. The Court reiterated the same principles in *Sonu @ Subhash Kumar v. State of Uttar Pradesh*, (2021) 5 SCC 738.

10. Be that as it may, the merits of the allegations and the question as to whether the promise of marriage was false or illusory from its inception are matters that require thorough investigation and, if warranted, adjudication during trial. At this stage, having regard to the chronology of events as narrated by the de facto complainant and the material presently available on record, no circumstances are discernible necessitating the custodial interrogation of the petitioner. The investigation can effectively proceed with the petitioner's cooperation, particularly in view of his unequivocal undertaking to participate in the investigation and to comply with all conditions that may be imposed.

11. Accordingly, the Criminal Petition is allowed. The petitioner shall be enlarged, subject to the following conditions:

(A) The petitioner/Accused shall surrender before the Station House Officer, Kothur Police Station, on or before 09.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of 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 said officer.

(B) The petitioner shall appear before the Investigating officer as and when required for the purpose of the investigation and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioner shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

12. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date : 24.06.2026

CHS

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