

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.9435 OF 2026

DATE : 30.06.2026

Between:

Shaik Sharukh Baba

...Petitioner

AND

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 the sole accused in FIR No.254 of 2026 on the file of Film Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 89 and 69 of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Ms.P.Harshini, learned counsel for the petitioner and Dr.S.Prashanth, the learned Additional Public Prosecutor representing the respondent-State.

4. The prosecution case, in brief, is that on 22.06.2026, the de facto complainant lodged the present complaint alleging that the petitioner, who is her relative, became acquainted with her in April 2022. It is alleged that, on the false promise of marrying her, the petitioner established physical relations with the de facto complainant and continued to subject her to sexual intercourse. It is further alleged that, during the year 2024, they cohabited together and that, in June 2025, they took a room on rent by representing themselves to be a married couple. During the subsistence of their relationship, the de facto complainant allegedly conceived, and the petitioner is stated to have caused the termination of her pregnancy by making her consume papaya fruit. It is further alleged that, in March 2026, the petitioner left the de facto complainant on the assurance that he would convince his family to accept their marriage. Subsequently, in the month of May 2026, he informed her that his family was unwilling to accept their relationship and thereafter discontinued all communication and avoided her. On the basis of these allegations, the present crime came to be registered.

5.1. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present crime. It is contended that, even if the allegations contained in the complaint are accepted at their face value, they disclose that the parties, both being

major, entered into a consensual relationship, which continued uninterrupted from the year 2024 for a considerable period. Learned counsel submits that the prolonged nature of the relationship itself belies the allegation that the physical relationship was induced solely on the basis of a false promise of marriage or that the petitioner subjected the de facto complainant to forcible sexual exploitation. It is, therefore, contended that the allegations of rape founded on a false promise of marriage are ex facie unsustainable in the facts and circumstances of the present case.

5.2. Learned counsel further submits that, in *Mahesh Damu Khare Vs. State of Maharashtra*¹ that ***Mahesh Damu Khare v. State of Maharashtra***, the Court observed that "*the longer duration of the physical relationship between the partners without protest and insistence by the female partner for marriage would be indicative of a consensual relationship rather than a relationship based on a false promise of marriage by the male partner and, consequently, one based on misconception of fact.*" Relying upon the aforesaid principle, it is contended that the allegations in the present case, viewed in their entirety, disclose a prolonged consensual relationship rather than one induced by deception.

¹ 2024 11 SCC 398

5.3. Learned counsel further submits that the petitioner undertakes to extend full cooperation to the Investigating Agency, to appear before the Investigating Officer as and when required, to produce all documents or material that may be called for during the course of investigation, and to abide by any condition that may be imposed by this Court. It is also submitted that the petitioner has no criminal antecedents and is presently pursuing his doctoral studies. On these grounds, learned counsel prays that the petitioner be enlarged on anticipatory bail.

6. Per contra, the learned Additional Public Prosecutor opposed the application, contending that the allegations in the complaint are specific and disclose that the petitioner developed an acquaintance with the de facto complainant, induced her into a physical relationship on the promise of marriage, cohabited with her for a considerable period and thereafter caused the termination of her pregnancy. It is further submitted that the investigation is at a nascent stage and that the custodial interrogation of the petitioner may be necessary for an effective investigation. According to the learned Additional Public Prosecutor, grant of anticipatory bail at this stage may prejudice the investigation, particularly if the petitioner fails to cooperate with the Investigating Agency. Accordingly, it is prayed that the application be dismissed.

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

8. A careful reading of the complaint prima facie discloses that the petitioner and the de facto complainant became acquainted with each other in the year 2022 and that their relationship continued over a considerable period thereafter. The complaint itself alleges that the parties were engaged in a physical relationship from the year 2024 and had cohabited together for a certain period. It is further alleged that they had represented themselves as a married couple while residing together and that the relationship continued until differences arose between them in the year 2026. Thus, the allegations, on their face, disclose a prolonged and continuing relationship between two adults.

9. At the stage of considering an application for anticipatory bail, this Court is not expected to undertake a meticulous appreciation of the evidence or record any conclusive finding on the truthfulness of the allegations. The scope of consideration is confined to the nature of the accusations, the role attributed to the accused, the requirement of custodial interrogation, the likelihood of the accused absconding, tampering with the prosecution evidence, or influencing witnesses and whether the custodial arrest of the accused is necessary.

10. Further, in cases where allegations of rape are founded upon an alleged false promise of marriage, the Supreme Court has consistently held that the question whether the promise was false from its inception or whether the relationship subsequently failed due to supervening circumstances is essentially a matter for trial. At the stage of considering bail, the Court is only required to examine whether the allegations and the surrounding circumstances disclose a prima facie necessity for custodial interrogation, without entering into an adjudication on the merits of the prosecution case.

11. In the present case, the complaint itself indicates that the relationship between the petitioner and the de facto complainant continued over a substantial period. Whether the consent of the de facto complainant was obtained on account of a misconception of fact arising from a promise of marriage, and whether such promise was false from its inception, are matters that require a full-fledged investigation and appreciation of evidence during trial. At this stage, no material has been placed before this Court to indicate that the petitioner is likely to abscond, evade the process of law, tamper with the prosecution evidence, or influence the witnesses. The petitioner has expressed his willingness to cooperate with the investigation and to abide by any condition that may be imposed by this Court. The prosecution has also not placed any material

demonstrating a compelling necessity for custodial interrogation of the petitioner.

12. Having regard to the totality of the circumstances, this Court is of the considered opinion that the prayer for grant of anticipatory bail deserves to be favourably considered, subject to appropriate conditions to ensure an unhindered and fair investigation.

13. Accordingly, the Criminal Petition is allowed, and the petitioner shall be enlarged on anticipatory bail, subject to following conditions.

(A) The petitioner/Accused shall surrender before the Station House Officer, Film Nagar Police Station, Hyderabad on or before 14.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him 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 on every Saturday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential address 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.

(E) The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioner liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

10. 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.

Date: 30.06.2026

CHS

N.TUKARAMJI, J

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

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