

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9448 of 2026

DATE: 02.07.2026

Between:

Mahammad Mazharuddin @ Mohmmad Mazharuddin

.... Petitioner/Accused

AND

The State of Telangana,
Rep. by its Public Prosecutor,
SHO Police Station Thorrur,
Mahabubabad District,
High Court for the State of Telangana
at Hyderabad.

.... Respondent/Complainant

: ORDER :

This criminal petition is filed under Sections 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner-accused praying to enlarge him on bail in connection with Crime No.186 of 2026 of Thorrur Police Station, Mahabubabad District. The offences alleged against the petitioner are under Sections 354(D), 376(1) and 420 of IPC and Section 3 read with 4 of the

Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The brief facts of the case are that on 07.06.2026, the *de-facto* complainant, lodged a report before police stating that she studied Intermediate from 2013 to 2015, during which period she became acquainted with the accused. According to her, while she was a minor, the accused expressed his love for her and promised to marry her. In the year 2014, for the first time, the accused by making false promises of marriage had physically exploited her. Thereafter, the complainant joined a TTC course at DSR College of Education, Fatehpur, while the accused pursued his Degree studies. They remained in contact through phone calls and continued their relationship. In March 2022, the accused went abroad for higher studies but continued to communicate with her through phone calls, messages and video calls. Whenever the complainant raised the issue of marriage after his return to India, the accused allegedly avoided the subject and subsequently went abroad again. On 31.05.2026, when no one was present at her house, the accused visited her and assured her that he would marry her. Believing his assurance, she again had physical relation with him.

Subsequently, when she once again insisted on marriage, the accused refused to marry her. Thereafter, he stopped communicating with her. Hence, she requested the police to take necessary action. Based on the said complaint, the police registered a case for the above-mentioned offences.

3. Heard Sri Bhargava Krishna L, learned counsel appearing for the petitioner and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner contended that the petitioner is innocent of the allegations levelled against him and that in the year 2014, when the alleged incident first occurred, both the petitioner and the complainant were minors. He further placed on record the petitioner's SSC certificate to show that he was also a minor at the point of time. Therefore, according to him, Sections 3 and 4 of the POCSO Act are not attracted. He further submitted that the petitioner continued his relationship with the complainant even after both attained majority and that mere refusal to marry does not attract the alleged offences. He also submitted that the petitioner has been in judicial custody since 08.06.2026 and that the material part of the investigation

has already been completed. Hence, he prayed this Court to enlarge the petitioner on bail by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor filed a counter opposing the grant of bail, contending that the Investigating Officer has taken steps to obtain the CDRs and CAFs of the victim and the accused has also filed a requisition before the learned Principal Judicial First Class Magistrate, Mahabubabad, for recording the victim's statement under Section 183 of the BNSS, which is still pending. Therefore, he contended that, at this stage, the petitioner is not entitled to be released on bail and prayed the Court to dismiss the criminal petition.

6. Having considered the rival submissions and upon perusal of the material available on record, it is evident that the petitioner has been in judicial custody since 08.06.2026. The record further reveals that the parties have been in a relationship since 2014, when both of them were minors and that the relationship continued till 2026. As per the remand case diary, prosecution witnesses, namely LWs.1 to 13, have already been examined. Taking into consideration the overall facts and circumstances of the case, the progress of the investigation and

the period of incarceration undergone by the petitioner, this Court is inclined to grant regular bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the learned Principal District and Sessions Judge-cum-Special Sessions Judge for Trial of POCSO cases, Mahabubabad.
- ii. The petitioner shall appear before the concerned SHO between 09.00 a.m. and 5.00 p.m., on every Wednesday 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 abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

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