IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.14910 OF 2026

(CNR No.HBHC010627512026)

DATE: 01.10.2026

Between :

Abhilash Mettu Reddy.

... Petitioner

AND

The State of Telangana and another.

... Respondents

ORDER:

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

2. The petitioner is arrayed as the sole accused in Crime No.1222 of 2026 on the file of the Madhapur Police Station, Cyberabad Commissionerate, facing accusations under Sections 69, 88, 318(4) of the *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr. S.Surender Reddy, learned Counsel for the petitioner, and Mr.Syed Yasar Mamoon, learned Assistant Public Prosecutor, representing the respondent-State and Mr.Karthik Madhanu, learned counsel for the respondent No.2.

4.1. The prosecution case, in brief, is that the de facto complainant lodged a report with the police on 12.08.2026, stating that she had married in the year 2017 and, owing to matrimonial disputes, had applied for divorce in the year 2023. A few days after applying for divorce, she came into contact with the petitioner through the Instagram social media platform. Thereafter, they exchanged their phone numbers and started communicating with each other. In the course of such interaction, on 31.06.2023, the complainant is stated to have met the petitioner near Tank Bund, where he allegedly proposed to marry her. At that time, the complainant informed the petitioner that she was married and had a son. Despite being aware of her marital status, the petitioner allegedly assured her that he would marry her, whereupon she accepted his proposal.

4.2. It is further alleged that, in August 2023, the petitioner and the complainant had a physical relationship at an OYO Hotel at Hitech City, Madhapur, and that their physical relationship continued thereafter. In October 2023, the complainant became pregnant. Upon being informed of the pregnancy, the petitioner allegedly administered certain tablets for her. Thereafter, the de facto complainant started residing with the petitioner, and they continued to have a physical relationship. However, when she proposed that they should marry, the petitioner allegedly kept postponing the marriage. Four days prior to the lodging of the police report, he is stated to have finally rejected her proposal and left the house. Thereafter, despite efforts to contact him, the complainant was

allegedly unable to reach him. Consequently, seeking appropriate legal action, she lodged the complaint, pursuant to which the present crime came to be registered.

5.1. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the alleged offences. According to the learned counsel, even as per the allegations contained in the FIR, the physical relationship between the petitioner and the complainant commenced in the year 2023, which, according to him, indicates that the relationship was consensual. It is further submitted that, as on the date of commencement of the relationship, the marriage of the de facto complainant was subsisting, and that her divorce was admittedly granted only in July 2026. Thus, the alleged acts relied upon by the prosecution occurred during the subsistence of her marriage.

5.2. Learned counsel further submits that the petitioner is an educated software employee and was capable of understanding and appreciating the consequences of the relationship. It is therefore contended that, having regard to the fact that the relationship continued for a considerable period, the subsequent allegation that the complainant consented to the relationship under a misconception of fact arising from a promise of marriage, and was thereby exploited by the petitioner, cannot be sustained. It is further submitted that even the alleged abortion took place during the period when the petitioner and the complainant were living together, and that the other circumstances relied

upon by the prosecution do not, in themselves, establish that the complainant's consent was obtained under a misconception of fact in an otherwise consensual relationship.

5.3. It is also submitted that the petitioner is a private employee, has a permanent place of residence, and is willing to cooperate with the investigation and abide by any conditions that may be imposed by the Court. On these grounds, learned counsel for the petitioner prays that the petitioner be granted anticipatory bail.

6.1. Learned counsel appearing for respondent No.2 opposed the application for anticipatory bail and submitted that the petitioner had exploited the de facto complainant by inducing her into a physical relationship on the promise of marriage. It is contended that, by the time the relationship commenced, the complainant had already applied for divorce; however, according to the learned counsel, the divorce proceedings were numbered only in July 2026. It is further submitted that, notwithstanding the fact that the complainant had expressly disclosed her marital status and health condition to the petitioner, he promised to marry her and thereafter took her to a hotel, where the physical relationship commenced and subsequently continued.

6.2. Learned counsel further submits that the petitioner and the complainant thereafter lived together and that, in her statement, the complainant has stated that the petitioner referred to her as his wife and

to her seven-year-old son as his son. It is also submitted that the petitioner participated in the practice of letters (*aksharabhyasam*) ritual relating to the complainant's son. Reliance is further placed upon the Out Patient Assessment Record to contend that the petitioner had taken the complainant to the doctor as husband and had caused her abortion.

6.3. On the basis of the aforesaid circumstances, learned counsel submits that the allegations against the petitioner prima facie disclose the commission of the alleged offences. According to the learned counsel, the petitioner is also in possession of certain electronic records and photographs which may be used against the de facto complainant, and that such material is required to be secured during the course of investigation. It is therefore apprehended that, if anticipatory bail is granted, the petitioner may fail to cooperate with the investigation or may otherwise impede the process of securing the relevant material. Accordingly, learned counsel for respondent No.2 prays for dismissal of the application for anticipatory bail.

7. The learned Additional Public Prosecutor supported the version of the counsel for Respondent No. 2 and submitted that the investigation is underway and that the petitioner's custodial presence may be required for the effective conduct of the investigation. Accordingly, he prayed for dismissal of the petition.

8. I have carefully considered the rival submissions and perused the materials on record.

9. The specific allegation against the petitioner is that, on the promise of marriage, he established a physical relationship with the de facto complainant, resulting in her pregnancy, thereafter caused termination of the pregnancy, and ultimately refused to marry her, thereby allegedly cheating and sexually exploiting her.

10. It is well settled that, at the stage of considering an application for anticipatory bail, the Court is not required to undertake a meticulous appreciation of evidence or record definitive findings on disputed questions of fact. The Court is required to make a prima facie assessment of the nature and gravity of the accusation, the role attributed to the petitioner, the surrounding circumstances, his likelihood of cooperating with the investigation and securing his presence, and the necessity for custodial interrogation. These principles are recognised in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1.

11. The questions whether the petitioner had a deceptive intention from the inception, whether the promise of marriage was false from the very beginning, whether the complainant's consent was obtained under a misconception of fact, and whether the subsequent refusal to marry constitutes the alleged offence cannot be conclusively determined. As held in *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC

608, a promise to marry would vitiate consent only where it was false from its inception, made in bad faith and without intention of being honoured, and had a direct nexus with the woman's decision to engage in the sexual act. A subsequent refusal to marry, by itself, does not establish that the promise was false at its inception. The said principle was reiterated in *Sonu @ Subhash Kumar v. State of Uttar Pradesh*, 2021 SCC OnLine SC 181. The fact that the complainant entered into the relationship with knowledge of the petitioner's circumstances, including his subsisting marriage, may also be relevant in assessing whether her decision was an informed and reasoned one, though the ultimate issue remains one for determination on the evidence. These questions are, therefore, matters for investigation and, if necessary, trial.

12. In the instant case, the relationship commenced in 2023 and continued thereafter, including during the period when the petitioner and the de facto complainant are stated to have lived together. At the relevant time, the complainant's marriage was subsisting, notwithstanding her having initiated divorce proceedings, and she was admittedly aware of her marital status. These circumstances, along with the duration and nature of the relationship and the conduct attributed to both parties, are relevant for the limited purpose of considering the necessity of custodial interrogation and the grant of pre-arrest protection, and are not treated as determinative of consent or criminal liability.

13. Having regard to the totality of the circumstances, including the nature and duration of the relationship, the complainant's knowledge of her subsisting marriage, the allegation concerning the promise of marriage and subsequent refusal, the petitioner's willingness to cooperate, and the absence of convincing material necessitating custodial interrogation, this Court is of the considered view that the petitioner is entitled to the benefit of anticipatory bail, subject to appropriate conditions.

14. Accordingly, this Criminal Petition is allowed, subject to following conditions.

(A) The petitioner/accused shall surrender before the Station House Officer, Madhapur Police Station, Cyberabad Commissionerate, on or before 16.10.2026. 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) 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 Tuesday and Wednesday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of his release on bail or until the filing of the final result, whichever is earlier.

(C) The petitioner shall remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(D) 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.

(E) 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.

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

(G) 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.

15. 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

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