IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.15215 of 2026

(C.N.R No. HBHC010640412026)

DATED: 01.10.2026

Between:

Chouta Shiva Shankar @ Shiva … petitioner – A1

And

1) The State of Telangana
represented by Public
Prosecutor High Court at Hyd. …Respondent No.1-State

2) xxxxx …Respondent No.2-complainant

O R D E R

1. This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to enlarge the petitioner – A1 on bail in connection with Crime No.1435 of 2026 of P.S.Vanasthalipuram, Malkajgiri District. The offences alleged against the petitioner – A1 are punishable under Sections 69, 89, 318 (4), 352, 351 (2) read with 3 (5) of the Bharatiya Nyaya Sanhita (BNS), Section 3 (2) (v), 3 (2)(va), 3 (1)(r)(s) of the SCs/STs (POA) Amendment Act, 2015.

2. Heard Sri V.Vijay Shankar, learned counsel for petitioner – A1 and Sri D. Arun Kumar, learned Additional Public Prosecutor, appearing for respondent – State.

3. Learned counsel for the petitioner submits that Section 69 of the BNS is attracted only when sexual intercourse is obtained by deceit, particularly a false promise of marriage made with dishonest intention at the inception. Petitioner – A1 and the *de facto* complainant are majors. The relationship between them was consensual, refusal to marry was not on account of any deception but due to differences arose between them and it cannot convert consensual intimacy into a criminal offence. A2 to A5 are granted Anticipatory Bail by this Court on 01.09.2026 vide Crl.P.No.13730 of 2026, statement of the victim under Section 183 of the BNSS is already recorded, entire investigation is completed and prayed to enlarge the petitioner – A1 on bail.

4. Learned Additional Public Prosecutor submits that statement of the victim under Section 183 of the BNSS is recorded on 17.08.2026, the role played by the petitioner – A1 is clearly depicted in the remand case diary.

5. Respondent No.2 filed counter and contended that all the averments, grounds and contentions raised by the petitioner – A1 are denied in toto. Petitioner – A1 has failed to make out any valid ground for grant of bail. Petitioner – A1 is influential person, he is not entitled for grant of bail and prayed to dismiss the petition.

6. *De facto* complainant has lodged a complaint before PS Vanasthalipuram on 01.08.2026, it is stated in the complaint that she came in contact with Ch.Shiva Shankar through Instagram and after some days he expressed his love towards her, assured that he would marry her and he started speaking to her frequently on phone. In the year 2019 when she was staying in the hostel at Vanasthalipuram, Shiva Shankar visited her frequently and took her to his rented room situated at Hayathnagar and participated in sexual intercourse with her. Subsequently she became pregnant and she got aborted. In the month of March, 2026 the *de facto* complainant asked Shiva Shankar to marry her. But he declined. Basing on the said complaint, FIR came to be registered.

7. Petitioner – A1 was arrested on 05.08.2026 and on the same day he was remanded to judicial custody, since then he is in jail.

8. A2 to A5 have filed Anticipatory Bail before this Court vide Crl.P.No.13730 of 2026 and the same came to be allowed on 01.09.2026.

9. The complaint itself goes to show that the *de facto* complainant is in relationship with the petitioner – A1 since 2019. Remand case diary goes to show that police has examined altogether 17 witnesses in support of the case.

10. Section 183 of BNSS statement of the victim is already recorded on 17.08.2026, it appears from the record that major portion of the investigation is completed, detaining the petitioner – A1 further in judicial custody will not serve the purpose. Therefore, the petitioner – A1 is entitled to be enlarged on bail subject to following conditions:

i. The petitioner –A1 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 learned VII

Additional Judicial Magistrate of First Class, Ranga Reddy District, Hayathnagar.

ii. The petitioner – A1 shall appear before the concerned SHO between 10:00 a.m. and 5:00 p.m., on every Sunday 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 – A1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

iv. The petitioner – A1 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

v. In the event of violation of any of the above conditions, the prosecution is at liberty to file an application for cancellation of bail.

11. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

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B.R.MADHUSUDHAN RAO, J

Date: 01.10.2026.
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