IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

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

CRIMINAL PETITION No.15246 of 2026

CNR.No. HBHC010642612026

DATE: 05.10.2026

BETWEEN:

Dipankar Saha ... Petitioner-Accused No.1

And

The State of Telangana
Represented by Public Prosecutor,
High Court of Telangana. ... Respondent - Complainant

ORDER

1. This memorandum of 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.1562 of 2026 of P.S. Gachibowli, Cyberabad District. The offences alleged against the petitioner – A1 are under Sections 69, 318(4), 351(2) r/w 3(5) of Bharatiya Nyaya Sanhita (BNS).

2. Heard Sri Rajasri Manche, learned counsel for the petitioner - A1 and Sri D.Arun Kumar learned Additional Public Prosecutor appearing for the respondent – State.

3. Learned counsel for the petitioner submits that the allegations even if taken at the highest on the complainant's own version, disclose what is essentially a prolonged, continuing and consensual relationship between two adults. The complainant herself states that she and the petitioner – A1 had a personal acquaintance that developed over time into a relationship and had a live-in arrangement, they met on numerous occasions, attended social occasions together, exchanged personal gifts. Such conduct, extending over a considerable period is inconsistent with the essential ingredients of section 69 of BNS which requires a dishonest intention existing at the very inception of the physical relationship and such intention cannot be inferred merely because the relationship did not subsequently culminated into marriage. There is no allegation of any physical threat, use of any weapon or any attempt to tamper the evidence. Petitioner – A1 is not a native of Hyderabad but has verifiable address and employment particulars in Hyderabad. Counsel in support of his contention has relied on the decisions in the cases of (i) Pramod Suryabhan Pawar vs. State of Maharashtra and another[1], (ii) Sonu alias Subhash Kumar Vs. State of Uttar Pradesh and another[2] and (iii) Shambhu

[1] (2019) 9 SCC 608
[2] (2021) 18 SCC 517

Kharwar Vs. State of Uttar Pradesh and Another[3] and prayed to enlarge the petitioner – A1 on bail.

4. Learned Additional Public Prosecutor submits that the statement of the victim under Section 183 of BNSS is not yet recorded, specific allegations are levelled against the petitioner – A1 in the remand case diary and prayed to dismiss the petition.

5.1 Respondent No.2 - defacto complainant [Tapsi Dutta] appeared in person on receipt of the notice and she filed her written arguments apart from submitting orally.

5.2 It is stated in the written arguments that petitioner – A1 systematically concealed his valid, existing marriage with A2-Sohinee Chakraborty. Inducing physical relations and cohabitation while actively concealing an existing marriage which vitiates consent ab initio. Petitioner –A1 and his wife-A2 were not in Assam during July admission. Petitioner – A1 previously absconded for a full week within Hyderabad prior to registering FIR to evade arrest. A2 – Ms.Sohinee Chakraborty is still residing in Kolkata at Jadavpur in an undisclosed residence, neither going to Assam to attend her own biological mother nor staying with the grand-mother of A1- petitioner herein. Enlarging the petitioner – A1 on bail will directly jeopardize the safety of the complainant and

[3] (2024) 16 SCC 502

compromise the ongoing investigation and prayed to dismiss the petition.

6. Respondent No.2 – complainant has lodged a report before PS Gachibowli on 31.08.2026 which is received by the police on 01.09.2026 at 07.30 hours. It is stated in the complaint that she came to know Dipanker Saha through Cognizant where he was working as a team lead operations, during their acquaintance he expressed his love towards her and represented that he would marry her, he initially concealed the fact that he was already married and later stated that his marriage was completely broken and that he would obtained a legal divorce from his wife and would marry her. Believing the repeated assurances, she entered into relationship and live-in arrangement with him. During their relationship they met personally and had an intimate relationship. He repeatedly assured that he would divorce his wife and marry her. Complainant has questioned about the progress of the divorce with Dipanker Saha, he suddenly denied his commitments, and ended the relationship and abandoned her. Basing on the said complaint FIR came to be registered under Sections 69, 318(4) of BNS.

7. Petitioner – accused is arrested on 05.09.2026 at 10.30 hours and was produced before the concerned magistrate for

remand, since then he is in judicial custody. It is mentioned in the remand case diary that Ms.Sohinee Chakraborty is absconding. Learned counsel for the petitioner on instructions submits that A2 has obtained a stay of her arrest in the quash petition filed by her to quash the FIR.

8.1 Promod Suryabhan Pawar[1] is in respect of quash of FIR for the offences under Sections 376, 417, 504 and 506(2) of IPC and Section 3(1)(u), (w) and Section 3(2)(vii) of SC/ST (POA) Act, 1989.

8.2 Sonu alias Subhash Kumar[2] is in respect of quashing of charge sheet for the offences under Sections 376 of IPC.

8.3 Shanbhu Kharwar[3] is in respect of quashing of charge sheet in respect of Section 375 of IPC.

8.4 The decisions cited by the learned counsel for the petitioner stated supra are not applicable to the case on hand in view of the fact that the present petition is filed for grant of regular bail.

9. During the course of arguments respondent No.2-complainant contended that her relationship with the petitioner – A1 started from 26.04.2024.

10. Remand case diary goes to show that respondent No.2 – complainant is aware of the fact that petitioner – A1 is already married and she continued her relationship with him on the

premise that petitioner – A1 would initiate divorce proceedings against A2 and marry her. The complaint filed by the respondent No.2 - complainant states that she entered into the relationship and live-in arrangement with him. By the date of lodging the complaint before the police on 31.08.2026 she is aged about 34 years.

11. Respondent No.1- State has altogether examined eight witnesses. V.Radhika, Sub Inspector of Police, Bharosa Centre, Gachibowli PS, Cyberabad, has also recoded the statement of the respondent No.2 – complainant.

12. On reading of Section 69 of BNS which states that ' whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her'. Complaint itself goes to show that respondent No.2 – complainant was aware that the petitioner – A1 was already married and she entered into a relationship and had live-in arrangement with him.

13. This Court is conscious of the fact that Section 183 BNSS statement of the victim is not yet recorded. Record goes to shows 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 the following conditions:

i. The petitioner – A1 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two local sureties for a like sum each to the satisfaction of the learned X Additional Junior Civil Judge cum Judicial Magistrate of First Class, Ranga Reddy District at Kukatpally.

ii. The petitioner – A1 shall appear before the concerned SHO between 10.00 a.m. to 05.00 p.m., on every Sunday, Tuesday and Thursday 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 including the complainant.

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.

14. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 05.10.2026
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