IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.16731 OF 2026

(CNR No. HBHC010705152026)

DATE: 26.10.2026

Between :

Manam Sai Vamsi.

... Petitioners-accused

AND

The State of Telangana.

... Respondent/Complainant

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 sole accused in Crime No.858 of 2026 on the file of the Kukatpally Police Station, Cyberabad Commissionerate, facing accusation under Sections 69, 351(2) of the *Bharatiya Nyaya Sanhita, 2023* (for short, 'BNS') and Sections 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC&ST(POA)Act').

3. Heard Mr.L.Harish, learned Counsel for the petitioner, and Mr.Syed Yasar Mamoon, learned Assistant Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that the petitioner herein, who was a classmate of the de facto complainant, asked her to come to Hyderabad on the representation that they could get married. Believing his representation, the de facto complainant went to the petitioner's residence at Janatha Nagar, Moosapet, approximately six months prior to the lodging of the complaint, and stayed there for about four months. During that period, they allegedly had a physical relationship. However, approximately two months before lodging the complaint, when the de facto complainant insisted that the petitioner marry her, he allegedly refused, citing the fact that they belonged to different castes. He is further alleged to have avoided her and challenged her to lodge a complaint wherever she wished. Thereafter, the de facto complainant left for her parents' residence and lodged the report at Kandukuru Rural Police Station, which was initially registered as a Zero FIR and subsequently transferred to the Police Station, Kukatpally, where it was re-registered as FIR No. 858 of 2026.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He contends that, even according to the averments in the complaint, the petitioner and the de facto complainant were acquainted with each other as classmates and that she came to Hyderabad and resided with the petitioner for approximately four months, during which period they had a physical relationship. Learned counsel further points out that the de facto complainant had earlier lodged a complaint against another person,

alleging the commission of the same offence, pursuant to which Sessions Case No. 47 of 2022 was registered before the learned Special Judge at Ongole. According to learned counsel, the present complaint was lodged subsequent to the said proceedings. He submits that, having regard to the de facto complainant's prior experience of similar proceedings, the allegation that she entered into the physical relationship with the petitioner under a misconception of fact arising from a false promise of marriage cannot be accepted without further scrutiny. He further contends that the material available on record does not indicate that the de facto complainant's consent to the physical relationship was obtained solely on the basis of an alleged false promise of marriage. Learned counsel also relies upon the fact that the de facto complainant had lodged successive complaints against different persons and submits that the same is a relevant circumstance to be considered while examining the allegations in the present case. He further submits that, after lodging the report in June 2026, the de facto complainant died by suicide, in connection with which another crime has been registered by the jurisdictional police. Learned counsel maintains that the petitioner is willing to cooperate with the investigation, participate in the investigative process, and abide by any conditions that may be imposed by this Hon'ble Court. On these grounds, he prays that the petitioner be granted anticipatory bail.

6. Learned Additional Public Prosecutor opposes the petition and submits that the de facto complainant belongs to the Scheduled Caste

(SC) community and that specific allegations have been levelled against him. He contends that, according to the complaint, the de facto complainant came to Hyderabad on the petitioner's promise of marriage and resided with him during the relevant period, during which he allegedly sexually exploited her. It is further alleged that, when the de facto complainant subsequently insisted upon marriage, the petitioner refused to marry her and began avoiding her. The learned Additional Public Prosecutor submits that the de facto complainant was consequently subjected to severe emotional distress, which ultimately culminated in her death by suicide. He further submits that the investigation is still in progress and that the petitioner's custodial interrogation may be necessary for the purpose of a proper and effective investigation. In view of the nature and gravity of the allegations, the stage of the investigation, and the alleged requirement of custodial interrogation, the learned Additional Public Prosecutor prays that the petition for anticipatory bail be dismissed.

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

8. The specific allegation against the petitioner is that, on the promise of marriage, he induced the de facto complainant to reside with him, and they lived together for approximately four months, during which they had a physical relationship. It is further alleged that he subsequently avoided her and refused to marry her.

9. It is well settled that, while considering an application for anticipatory bail, the Court is not required to meticulously examine the evidence or decide disputed questions of fact. However, where Sections 18 and 18A of the SC&ST (POA) Act are invoked, the Court must determine whether the allegations, taken at face value, prima facie disclose an offence under the Act. Such scrutiny must remain limited to the applicability of the statutory bar, including the nature of the allegations and the necessity for custodial interrogation.

10. In the present case, the de facto complainant alleges that she resided with the petitioner on his representation that they would marry, but he subsequently refused to do so on the ground that they belonged to different castes. The existence of a relationship or the subsequent refusal to marry, by itself, neither establishes nor negates an offence under the SC&ST (POA) Act. The allegations must be examined against the essential ingredients of the specific offence invoked.

11. Upon consideration of the complaint, the submissions advanced by learned counsel for the petitioner and the learned Additional Public Prosecutor, and the material presently available on record, this Court is of the prima facie view that the allegations, as presented, do not disclose specific allegations of intentional insult or intimidation with intent to humiliate the de facto complainant in a place within public view, or of exploitation by taking advantage of the de facto complainant's caste status. In *Prathvi Raj Chauhan v. Union of India*, (2020) 4 SCC 727, the Hon'ble Supreme Court clarified that the bar under Sections 18 and 18A

of the SC&ST (POA) Act, does not apply where the complaint fails to disclose a prima facie offence under the Act. Applying the aforesaid principle, and subject to investigation and the specific provisions of the Act invoked in the FIR, this Court finds that the statutory bar does not preclude consideration of the present application.

12. This Court is conscious of the de facto complainant's subsequent death by suicide, a circumstance that warrants appropriate investigation. However, that circumstance, by itself, cannot substitute for the statutory ingredients of the alleged offence. Having regard to the foregoing circumstances, the petitioner's willingness to cooperate with the investigation, and the absence of any convincing ground demonstrating that his custodial interrogation is indispensable, this Court is of the considered view that the petitioner may be granted anticipatory bail, subject to appropriate conditions to ensure his cooperation with the investigation and his presence during the investigation and subsequent proceedings.

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

(A) The petitioner/accused shall surrender before the Station House Officer, Kukatpally Police Station, Cyberabad District, on or before 06.11.2026. 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 Friday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of her 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 her 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.

14. 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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