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

**THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

**CRIMINAL PETITION No.16834 OF 2026**

**(CNR No.HBHC010708892026)**

**DATE: 26.10.2026**

**Between :**

Kottha Sarath Goud.

**... Petitioner-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.1612 of 2026 on the file of the Gachibowli Police Station, Cyberabad Commissionerate, facing accusation under Sections 69, 79, 78, 351 (2) of the *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.S.Ganesh, 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 on 09.09.2026, at about 16:15 hours, a complaint was received from the de facto complainant alleging that she had come into contact with the petitioner herein in the year 2024 and had developed a relationship with him on the basis of his promise to marry her. She further alleged that, after she became pregnant in April 2026, the petitioner refused to marry her, insisted that she terminate the pregnancy, and failed to provide her with the necessary support. It is further alleged that the petitioner subsequently resumed the relationship with her but, on a later occasion, again refused to marry her, made humiliating remarks, and threatened her when she insisted for marriage. Based on the report lodged by the de facto complainant, a crime was registered, and the investigation was taken up.

5. Learned counsel for the petitioner submits that the petitioner is innocent and that the allegations made in the complaint, even if taken at face value and accepted in their entirety, do not prima facie constitute any offence or disclose a case against the petitioner. He further submits that the allegations are so absurd and inherently improbable that no prudent person could reasonably conclude that a prima facie case is made out against the petitioner. Learned counsel further contends that the de facto complainant was aware of the consequences of the relationship, which, according to him, was consensual in nature. He submits that, as evident from the complaint, the petitioner and the de facto complainant had been acquainted with each other for a considerable period and that the petitioner's family members did not

agree to their marriage due to the circumstances. According to learned counsel, these circumstances indicate that the petitioner had no intention, from the inception of the relationship, to deceive the de facto complainant. He further contends that there has been a considerable delay in lodging the complaint. Nevertheless, he submits that the petitioner is willing to cooperate with and participate in the investigation and to abide by any conditions that may be imposed by this Hon'ble Court. On these grounds, learned counsel prays that the petitioner be granted anticipatory bail.

6. The learned Additional Public Prosecutor opposes the petition and submits that, according to the complaint, the petitioner induced the de facto complainant to enter into a physical relationship with him on the promise of marriage and subsequently refused to marry her. He further submits that the petitioner insisted that she terminate her pregnancy and failed to provide her with the necessary medical support despite being aware of her pregnancy. It is also contended that, even after resuming the relationship, the petitioner again refused to marry her, thereby causing her humiliation and emotional distress. The learned Additional Public Prosecutor further submits that the investigation is still in progress and that the petitioner's presence may be required for custodial interrogation. Accordingly, he prays that the petition for anticipatory bail be dismissed.

7. On notice, though the de facto complainant had engaged counsel, the learned counsel reported that a no-objection vakalat had been issued to the de facto complainant. However, none appeared on behalf of respondent No. 2/de facto complainant.

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

9. The specific allegation against the petitioner is that he induced the de facto complainant to enter into a physical relationship with him on the promise of marriage and continued such relationship from the year 2025 onwards. It is further alleged that, upon learning of her pregnancy, the petitioner insisted that she terminate the pregnancy and failed to provide her with the necessary support. The petitioner is also alleged to have subsequently refused to marry her, citing differences within the family and opposition from his family members.

10. At the outset, it is necessary to bear in mind that the present petition concerns the grant of anticipatory bail and, therefore, the Court is not required to undertake a meticulous appreciation of the evidence or record definitive findings on disputed questions of fact at this stage. The considerations governing the exercise of jurisdiction under Section 482 of the BNSS, include the nature and gravity of the accusation, the specific role attributed to the petitioner, the likelihood of his cooperating with the investigation, the possibility of his absconding or influencing witnesses, and the necessity of custodial interrogation. The grant of anticipatory bail

must be determined on the facts and circumstances of each case, by balancing the individual's right to personal liberty against the legitimate requirements of an effective investigation. In *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, the Constitution Bench of the Hon'ble Supreme Court explained the principles governing anticipatory bail and recognised that appropriate conditions may be imposed to safeguard the interests of the investigation and the administration of justice.

11. In the instant case, the question whether the promise of marriage was made with a dishonest intention from the inception of the relationship or whether the subsequent refusal to marry arose from circumstances that developed later is a matter to be examined in the light of the evidence collected during the investigation and, if necessary, at trial. In this regard, the Hon'ble Supreme Court, in *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, distinguished a false promise of marriage made in bad faith, without any intention of fulfilling it from the outset, from a subsequent breach of a promise that was originally made in good faith. The Court further held that, where consent is alleged to have been obtained on the basis of a misconception of fact arising from a promise to marry, the promise must have been false from its inception, and the false promise must have had a direct nexus with the woman's decision to engage in the sexual act. Accordingly, the relevant circumstances must be examined on the basis of the evidence collected during the investigation and, where necessary, evaluated at trial, in accordance with law.

12. The allegations, including those concerning the pregnancy and the petitioner's alleged insistence on its termination, are serious and cannot be disregarded. Nevertheless, the seriousness of the allegations must be considered alongside the other relevant circumstances, including the petitioner's expressed willingness to cooperate with the investigation and the absence, on the material presently placed before this Court, of specific circumstances demonstrating that custodial interrogation is indispensable for the effective progress of the investigation. The mere pendency of an investigation, without more, does not by itself conclusively establish the necessity of custodial interrogation.

13. In the circumstances, and without expressing any opinion on the truthfulness of the allegations or the ultimate merits of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to appropriate conditions requiring him to make himself available for interrogation as and when required, cooperate with the investigation, refrain from directly or indirectly threatening or inducing any person acquainted with the facts of the case, and comply with such further conditions as may be imposed in accordance with Section 482 of the BNSS. The grant of such relief shall not preclude the investigating agency from conducting a fair and effective investigation in accordance with law.

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

(A) The petitioner/accused shall surrender before the Station House Officer, Gachibowli 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 Wednesday 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.

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**

Date: 26.10.2026
gv/bj

**THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

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