IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.16904 OF 2026

(CNR No.HBHC010711382026)

DATE: 27.10.2026

Between :

Mohammed Kamaluddin

... Petitioner/Accused

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 anticipatory bail.

2. The petitioner is arrayed as sole accused in FIR No.350 of 2026 on the file of the Santoshnagar Police Station, Hyderabad, registered for the offence punishable under Section 69 of the *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr.Mohd. Rafee, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for the respondent No.1-State.

4. The prosecution case, in brief, is that the de facto complainant, who was married in 2019 and mother of two children, alleges that the petitioner herein contacted her through the IMO application approximately 18 months prior to the complaint and induced her to believe his alleged false promise of marriage, thereby persuading her to enter into a physical relationship with him. Believing his assurance, she separated from her husband and continued her relationship with the petitioner. It is further alleged that the petitioner had sexual intercourse with her on several occasions at MNR Grand Luxury Hotel, situated at Santosh Nagar, Hyderabad, while repeatedly assuring her that he would marry her. However, the petitioner subsequently refused to marry her. Based on the said report, a crime came to be registered.

5.1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the de facto complainant has targeted the petitioner, allegedly exhibiting similar conduct in an

earlier case, namely, Crime No. 43 of 2023 of P.S. Kalapattar, which was registered against another person, subsequently numbered as S.C. No. 823 of 2023 on the file of the X Additional Sessions Judge, Hyderabad, and ultimately ended in acquittal. Be that as it may, the petitioner contends that the de facto complainant herself initiated contact with him through electronic communication and pressured him into having a physical relationship with her.

5.2. It is further submitted that the petitioner had furnished relevant material, including electronic evidence, to the police in support of his complaint came to be lodged that the de facto complainant had harassed him and insisted upon establishing such a relationship with him. Learned counsel further submits that, even if the allegations in the complaint are taken at face value, the de facto complainant was already married and had children. According to the petitioner, the details concerning her husband's name and the gender of her children have been conspicuously distinct between the complaints lodged by the de facto complaint.

5.3. The petitioner contends that the allegation that he sexually exploited the de facto complainant on the pretext of a promise of marriage is without any factual basis and, according to him, does not accord with ordinary prudence. It is further submitted that the de facto complainant has been making false allegations and monetary demands with a view to pressurising the petitioner. In these circumstances, the petitioner apprehends that the investigating agency may arrest him and subject him to coercive action. Learned counsel submits that the petitioner is willing to cooperate with the investigation and abide by any conditions that may be imposed by the Court. On these grounds, the petitioner seeks the grant of anticipatory bail.

6. Learned Additional Public Prosecutor opposed the petition, submitting that the investigation is still at a nascent stage. It is contended that the allegations in the complaint are directed against the petitioner, who is alleged to have induced the de facto complainant to enter into a physical relationship with him on the assurance that he would marry her. The learned Additional Public Prosecutor further submits that the acquittal recorded in the earlier case cannot, by itself, constitute a determinative factor for granting anticipatory bail to the petitioner in the present case.

It is also contended that the custodial presence of the petitioner may be required during the course of the investigation and that granting pre-arrest protection at this stage may adversely affect the investigation by resulting in non-cooperation on the part of the petitioner. In view of the nature of the allegations and the stage of the investigation, prays for dismissal of the petition.

7. I have considered the rival submissions and perused the material on record.

8. The allegation against the petitioner is that he sexually exploited the de facto complainant by inducing her to enter into a physical relationship with him on the false promise of marriage. At the stage of considering anticipatory bail, the Court is not required to undertake a meticulous examination of the evidence or render definitive findings on disputed questions of fact and law. Whether the petitioner had a deceptive intention from the inception or subsequently failed to fulfil a promise made in good faith is a matter for investigation.

9. In *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, the Hon'ble Supreme Court distinguished a false promise made without any intention of fulfilment from a

subsequent breach of a promise made in good faith, emphasising the relevance of the promise and its nexus with the complainant's decision to engage in sexual relations. In the present case, the prosecution alleges deception, whereas the petitioner disputes the allegation and asserts that the relationship was pursued at the complainant's instance. Any definitive conclusion on these disputed facts would therefore be premature.

10. Having regard to the nature of the allegations, the age and marital status of the de facto complainant, the disputed question of the petitioner's intention, and his willingness to cooperate with the investigation, this Court considers it appropriate that, without expressing any opinion on the merits and leaving all questions of fact and law open, anticipatory bail is granted subject to conditions securing the petitioner's availability, cooperation with the investigating agency, and non-interference with the investigation. It is needless to state that, such protection shall not curtail the investigating agency's lawful authority to investigate, collect evidence, examine witnesses, and take further steps in accordance with law.

11. Accordingly, the Criminal Petition is allowed, subject to the following conditions:

a) Petitioner/Accused shall surrender before the Station House Officer, Santosh Nagar Police Station, Hyderabad on or before 11.11.2026. Upon such surrender, or in the event of his arrest, the Station House Officer shall release him on bail upon executing 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 Station House Officer every Tuesday between 10:00 a.m. and 3:00 p.m. for a period of eight (8) weeks from the date of her release on bail and shall cooperate with the investigation in all respects.

c) The petitioner shall furnish his complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the proceedings before the trial court.

d) Additionally, the petitioner shall remain available as and when required by the investigating officer during the course of investigation.

e) The petitioner shall neither directly nor indirectly induce, threaten, influence, nor contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

f) In the event of breach of any of the aforesaid conditions by the petitioner, the prosecution shall be at liberty to take appropriate steps seeking cancellation of bail.

12. 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.

Pending miscellaneous applications, if any, shall stand closed.

N.TUKARAMJI, J

Date: 27.10.2026
mmr

THE HON'BLE SRI JUSTICE N. TUKARAMJI

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