IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17211 OF 2026

(CNR No. HBHC010722732026)

DATE: 28.10.2026

Between :

Mohammad Salman @ Feroz

… Petitioner

AND

The State of Telangana

… Respondent

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nyaya Suraksha Sanhita*, 2023* (for short, 'BNSS'), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as the accused No.1 in Crime No.528 of 2026 on the file of Armoor Police Station, Nizamabad District, facing accusations under Section 69 of *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.Veera Babu Gandu, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that the complainant lodged a report on 08.10.2026, alleging that she came into contact with the petitioner in 2017, and their acquaintance subsequently developed into a love relationship. It is alleged that the petitioner assured her of marriage and that, on the basis of such assurance, they had sexual intercourse on several occasions during the course of their relationship. In 2020, the complainant left for Dubai for employment. Upon her return, she allegedly came to know that the petitioner had married another woman. It is further alleged that the petitioner had switched off his mobile phone. On the basis of these allegations, the complainant sought legal action against the petitioner, pursuant to which the present crime came to be registered.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further contended that, even if the allegations in the complaint are taken at face value, the long-standing relationship between the petitioner and the de facto complainant indicates that their relationship was consensual. Learned counsel also points out that there was a considerable delay in lodging the report and submits that the allegations concerning sexual intercourse on the assurance of marriage do not, by themselves, establish that the complainant's consent was vitiated by misrepresentation or misconception of fact. It is further submitted that the petitioner has a permanent place of

residence, has no criminal antecedents, and is willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. On these grounds, learned counsel seeks the grant of anticipatory bail to the petitioner.

6. Per contra, learned Additional Public Prosecutor opposes the petition, submitting that notice has been duly served on the de facto complainant. It is contended that the complaint contains specific allegations against the petitioner and that the de facto complainant was allegedly subjected to sexual exploitation on the basis of a false promise of marriage. Learned Additional Public Prosecutor further submits that the investigation is at a nascent stage and that the petitioner's custodial interrogation may be necessary for the purposes of the investigation. Accordingly, learned Additional Public Prosecutor prays for the dismissal of the petition.

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

8. The specific allegation against the petitioner is that he sexually exploited the de facto complainant on the false promise of marriage. At the outset, it is necessary to observe that, while considering an application for anticipatory bail, the Court is not ordinarily required to undertake a meticulous examination of the evidence or conduct a mini-trial to determine

the guilt or innocence of the accused. The consideration at this stage is confined to the relevant circumstances of the case, the nature and gravity of the accusation, the role attributed to the petitioner, the necessity for custodial interrogation, and the likelihood of the petitioner cooperating with the investigation. The principles governing the exercise of jurisdiction for grant of anticipatory bail have been elucidated by the Hon'ble Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1.

9. In the present case, the question as to whether the alleged promise of marriage was false from its inception, and whether the petitioner had the requisite intention to deceive the de facto complainant at the time of making such promise, would require an appropriate assessment of the facts and circumstances emerging during the course of investigation. In *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, the Hon'ble Supreme Court explained that a false promise to marry may vitiate consent where the promise was made without any intention of being fulfilled and was intended to induce the woman to engage in sexual relations. Conversely, a subsequent failure to fulfil a promise of marriage does not, by itself, establish that the promise was false when it was made. The distinction between a false promise and a subsequent breach of promise must, therefore, be assessed in the light of the facts and circumstances of the particular case. At this stage, any conclusive finding on the nature of

the relationship, the petitioner's intention, or the circumstances in which the de facto complainant allegedly consented to sexual intercourse would be premature. These aspects are matters for investigation and, if necessary, adjudication at the appropriate stage of the proceedings.

10. Further, having regard to the timeline of the relationship, the nature of the allegations, the petitioner's stated willingness to cooperate with the investigation, and the absence of any specific material presently demonstrating that custodial interrogation is indispensable. Accordingly, having regard to the overall facts and circumstances of the case, this Court is of the considered view that the petitioner has made out a case for the grant of anticipatory bail, subject to appropriate conditions.

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

(A) The petitioner/accused No.1 shall surrender before the Station House Officer, Armoor Police Station, Nizamabad District, on or before 12.11.2026. 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 between 10.00AM to 03.00PM, for a period of ten (10) weeks from the date of his 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 his 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 willful 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.

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. Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date: 28.10.2026
CHS

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