IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17853 OF 2026

(CNR No. HBHC010746472026)

DATE: 04.11.2026

Between :

Pothedar Akash.

... Petitioner

AND

The State of Telangana and another.

... 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 sole accused in Crime No.218 of 2026 on the file of the Papannapet Police Station, Medak District, facing accusations under Section 69 of the *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr. Rajashekar Thallapallyl, 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 de facto complainant, who is a divorcee and has a five-year-old daughter, alleged that the

petitioner herein, who was her former classmate, had promised to marry her. Believing the said promise, she allegedly entered into physical intimacy with him about five months prior to the registration of the crime, as a consequence of which she became pregnant. However, the petitioner is alleged to have subsequently postponed the marriage and eventually informed her that his family was unwilling to accept their relationship. Aggrieved by the petitioner's conduct, the de facto complainant lodged a report, pursuant to which the present crime came to be registered.

5.1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated by the de facto complainant. He contends that, although the petitioner and the de facto complainant were previously in a relationship, they had amicably resolved their differences in March 2024. Pursuant to the said settlement, the petitioner allegedly paid a sum of Rs.3,00,000/- to the de facto complainant through a combination of cheque and cash. It is further submitted that the parties had expressly agreed that they would not maintain any relationship with each other in future, that neither party would assert any claim or right over the property of the other, and that neither of them would initiate any civil or criminal proceedings against the other.

5.2. He further contend that, despite the aforesaid settlement and the understanding between the parties, the de facto complainant has now come forward with false and concocted allegations that the petitioner

had, about six months ago, contacted her and induced her to enter into physical intimacy on the basis of a promise of marriage. According to the learned counsel, the prior settlement and the circumstances surrounding the parties' relationship substantially undermine the credibility of the allegations now levelled against the petitioner.

5.3. It has been additionally pleaded that, having regard to the fact that the petitioner and the de facto complainant were adults and had shared a prior relationship, the mere existence of a promise of marriage cannot, by itself, lead to the conclusion that the de facto complainant's consent was obtained by misconception of fact or through misrepresentation. He contends that, at best, the circumstances indicate a consensual relationship between two adults, which subsequently failed to culminate in marriage. He also submits that the material presently available on record does not establish that the alleged pregnancy of the de facto complainant is attributable to the petitioner. Nevertheless, the petitioner expresses his willingness to cooperate with the investigation and comply with any conditions that may be imposed by this Court while granting anticipatory bail. On these grounds, learned counsel prays that the petitioner be enlarged on anticipatory bail.

6.1. Per contra, learned Additional Public Prosecutor opposes the petition and submits that notice has been duly served on the de facto complainant and that the allegations levelled against the petitioner are specific in nature. It is alleged that the petitioner, by inducing the de

facto complainant on the promise of marriage, subjected her to sexual exploitation and, in the course of their relationship, caused her to become pregnant. According to the learned Additional Public Prosecutor, these allegations, at this stage, disclose a prima facie case warranting a thorough investigation.

6.2. It is further submitted that the investigation is still in progress and that the custodial interrogation of the petitioner may be necessary for the purpose of eliciting relevant information, verifying the circumstances surrounding the alleged relationship, and ensuring an effective and comprehensive investigation. Learned Additional Public Prosecutor also contends that the pleas raised by the petitioner, particularly those relating to the alleged prior settlement, the consensual nature of the relationship, and the alleged falsity of the accusations, essentially constitute matters of defence, which cannot be conclusively examined or adjudicated at the stage of consideration of the present petition. Having regard to the nature and seriousness of the allegations and the ongoing investigation, learned Additional Public Prosecutor accordingly prays for dismissal of the petition.

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

8. The gravamen of the allegations against the petitioner is that he induced the de facto complainant to engage in physical intimacy on the

promise of marriage, allegedly without any intention of fulfilling the same, and thereby sexually exploited her. Per contra, the petitioner's defence is that their relationship had already come to an end in March 2024 pursuant to an amicable settlement, under which he allegedly paid Rs.3,00,000/- to the de facto complainant and both parties agreed not to maintain any further relationship or initiate civil or criminal proceedings against each other. He contends that the present allegations are fabricated, notwithstanding the settlement between them.

9. In this regard, it is well settled that the mere failure to honour a promise of marriage does not, by itself, establish that the promise was false from its inception or that consent was obtained by misconception of fact. In *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608, the Hon'ble Supreme Court held that the promise must have been made in bad faith, without any intention of fulfilment from the outset, and must have had a direct bearing on the woman's decision to engage in the sexual act. The distinction between a false promise and a subsequent breach of a genuine promise was also recognised in *Deepak Gulati v. State of Haryana*, (2013) 7 SCC 675. Further, in *Ravish Singh Rana v. State of Uttarakhand*, 2025 INSC 635, decided on 28.04.2025, the Hon'ble Supreme Court emphasised the relevance of the nature and duration of the relationship, the conduct of the parties and the terms of a prior settlement in assessing allegations arising out of a promise of marriage. Thus, the allegations require consideration in the context of the

entire factual matrix, and a subsequent refusal to marry cannot, by itself, establish that the initial promise was fraudulent.

10. While considering a petition for anticipatory bail, the Court is required to undertake a prima facie assessment of the allegations, having regard to the nature and gravity of the accusation, the specific role attributed to the petitioner, his antecedents and conduct, the possibility of absconding or influencing witnesses, his willingness to cooperate with the investigation, and the necessity for custodial interrogation. Such consideration must balance the protection of individual liberty with the requirements of a fair and effective investigation, without undertaking a detailed appreciation of the evidence or conducting a mini-trial. These principles stand recognised in *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, and *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, which emphasise that the discretion to grant anticipatory bail must be exercised judiciously, in the light of the facts and circumstances of each case.

11. Having regard to the nature of the allegations, the petitioner's defence concerning the previous relationship and the alleged settlement, his willingness to cooperate with the investigation, and the absence of any specific circumstances demonstrating that his custodial interrogation is indispensable for the effective completion of the investigation, this Court is of the considered view that the petitioner deserves the relief of anticipatory bail, subject to appropriate conditions requiring the

petitioner to cooperate with the investigating agency and refrain from interfering with the investigation or influencing any witnesses.

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

(A) The petitioner/accused shall surrender before the Station House Officer, Papannapet Police Station, Medak District, on or before 19.11.2026. 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 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.

13. 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: 04.11.2026
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