IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.18214 of 2026
(CNR No.HBHC010762752026)

12TH NOVEMBER, 2026

Between:

Yerpula @ Arupula Srikanth … Petitioner-accused

AND

The State of Telangana and another

…Respondents

:ORDER :

Petitioner/accused has filed the petition under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 seeking bail in Crime No.1015 of 2026 of P.S. Saroornagar, registered for the offences under Section 137 (2), 64 (2)(m) of BNS and Section 5(1) read with Section 6 of POCSO Act, 2012.

2. Heard Sri Gajula Prem Kumar, learned counsel appearing for petitioner-accused and Sri Arun Kumar Dodla, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution is that on 01.10.2026 at 00.10 hours LW.1 lodged a complaint stating that on 30.09.2026 at about 16.30 hours, his daughter/victim girl left her home stating that he is going to nearby

kirana shop, but she did not return home. Immediately, he searched for the victim in the surrounding areas and enquired with her friends and relatives, but in vain. Basing on the complaint a case was registered under Section 137 (2) BNS and entrusted investigation to the Sub-Inspector, Saroornagar.

4. While the investigation was in progress, on credible information, the victim girl and accused were apprehended at Yadagiri Gutta Temple at 17.00 hours and brought them to the police station. On enquiry, the victim girl stated that the accused dragged her into love and lured her that he would marry her, after that he had participated sexual intercourse with her for two times at his sister's residence and also in a room near Yadagiri Gutta Temple. Thereafter, a detailed statement under Section 180 of BNSS has been recorded by LW.14. Basing on the statement under Section 180 of BNSS and bonafide certificate of the victim girl, added the section of law under Section 64(2)(m) BNS and Section 5(1) read with Section 6 of the POCSO Act, 2012 and arrested the accused.

5. Learned counsel for petitioner submits that the petitioner was falsely implicated in this case and that the petitioner and the victim girl were in love and the matter was placed before the family members, who did not agree for the marriage. It is further submitted that when the parents of the victim girl forced to marry another person, she left her residence. He further submits that the victim and the petitioner/accused are in relationship from the past two years and they have participated in consensual sex,

hence, the ingredients of offence under Section 64 (2)(m) of BNS against the petitioner/accused are not at all attracted. It is further submitted that the petitioner is in judicial custody since 02.10.2026. It is further submitted that entire investigation has been completed. It is further submitted that in the similar circumstances, the High Court of Andhra Pradesh at Amaravati granted bail to the petitioner/accused *vide* order dated 05.03.2024 in Crl.P. No.1043 of 2024. Therefore he sought for extending same benefit to the petitioner herein. Hence, prayed for grant of bail.

6. Opposing the same, learned Additional Public Prosecutor submits that it is a case of offence of rape against a minor girl, who is aged about 17 years 10 months. The accused took the minor girl to the Yadagiri Gutta Temple on the pretext of marriage and participated sexual intercourse with her by force, and hence, prayed to dismiss the petition.

7. Having heard both sides and perused the material on record, the petitioner herein is aged about 19 years and the victim girl is aged about 17 years 10 months. In the statement of the victim under Section 180 of BNSS, she discloses that they were in love. The accused took the victim girl to his sister's house and committed sexual assault on her.

8. A Co-ordinate Bench of the Delhi High Court in ***Mahesh Kumar v State (NCT of Delhi[1])*** dealt with a bail application under similar circumstances. The following observation was made;

> "12. The prosecutrix and the accused herein might have made a mistake in the affairs of the heart, however, the teenage psychology and adolescent love cannot be controlled by the Courts and therefore the judges have to be careful while rejecting or granting bail in such cases depending on the facts and circumstances of each case. This Court also observes that the attitude towards early love relationships, especially adolescent love, has to be scrutinised in the backdrop of their reallife situations to understand their actions in a given situation. The teenagers who try to imitate romantic culture of films and novels, remain unaware about the laws and the age of consent"
>
> (emphasis supplied)

9. Further, the Hon'ble Apex Court in ***Bhagwan Singh v. Dilip Kumar and others[2]***, emphasised the need to look into the unique and peculiar facts of each case, while granting bail, discussed on the law on the point as follows;

> "12. The grant of bail is a discretionary relief which necessarily means that such discretion would have to be exercised in a judicious manner and not as amatter of course. The grant of bail is dependant upon contextual facts of the matter being dealt with by the Court and may vary from case to case. There cannot be any exhaustive parameters set out for considering the application for grant of bail. However, it can be noted that;
>
> (a) While granting bail the court has to keep in mind factors such as the nature of accusations, severity of the punishment, if the accusations entails a conviction and the nature of evidence in support of the accusations;
>
> (b) reasonable apprehensions of the witnesses being tempered with or the apprehension of there being a threat for the complainant should also weight with the Court in the matter of grant of bail.

---

[1] 2023: DHC:3151
[2] 2023 INSC 761

> (c) While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought to be always a prima facie satisfaction of the Court in support of the charge.
>
> (d) Frivility of prosecution should always be considered and it is only the element of genuineness that shall haveto be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to have an order of bail."
>
> (emphasis supplied)

10. Further, while dealing with bail applications of this nature, due consideration should be made on various factors like the nature of the offence, heinousness of the crime, punishment and the role of the accused involved.

11. Coming to the case on hand, the victim girl is minor and her consent is of no value in the eye of law. According to her, she was in love and she voluntarily left with the accused and had physical intimacy. The age of the victim girl is subject matter of full length of trial.

12. Coming to Section 64 (2)(m) of BNS, the offence is attracted when any woman is kidnapped/ abducted with an intent to marry against her will or to have forced/seduced/illicit intercourse. A bare reading of the complaint would prima facie indicate that the girl left her family home on her own. On the face of it, this is a case of elopement of two people, who were in love, where unfortunately the victim girl is minor.

13. As referred supra, adolescent love cannot be controlled by the Courts and the Judges have to be careful in granting or denying bails in such matters. In the case of lack of inducement or threat, the Court must be

conscious of the fact that they are not dealing with criminals. The record further shows that the petitioner has been in judicial custody since 02.10.2026.

14. This Court makes it clear that in each case of granting bail, adjudication should depend on its own facts and as in this case, there is consistent version and due to lack of coercion or inducement or threat, it apposite to allow the present petition.

15. Therefore, this Court is of the considered view that it is a fit case for grant of bail, subject to the following conditions:

1. **The petitioner/accused shall be released on bail on his executing a personal bond for Rs.10,000/- with two sureties for the like sum each to the satisfaction of the V Additional Judicial Magistrate of First Class- cum- V Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar.**

2. **The petitioner/accused shall cooperate with the investigation.**

3. **The petitioner/accused shall abide by the other conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.**

Accordingly, this Criminal Petition is allowed.

JUVVADI SRIDEVI, J

Date: 12.11.2026
smk/pld

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.18214 of 2026

12TH NOVEMBER, 2026

smk/pld