

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13975 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 480 & 483 of BNSS for grant of regular bail in Crime No.1493 of 2024 of PS Miyapur, Cyberabad, dated 23.10.2024, registered for the offence punishable under Section 69 of BNS.

2. The case of the prosecution in brief was that on 23.10.2024 at 11:00 hours the *de-facto* complainant came to the PS and lodged a report stating that two (02) years back, she came into contact with the petitioner – accused in Instagram. After some days, he proposed her that he loved her and wanted to marry her and followed her with deceitful words. Sometime later, he came to her house and informed her parents that he loved her and wanted to marry her. In the absence of in-mates in her house, he came to her house and saying that, as they were going to marry, enjoyed her physically. So many times, he enjoyed her physically at her house. Subsequently, he stopped talking to her and was avoiding her. For the past three (03) months, when she was calling him over phone and sending messages, he was not responding. After that, she came to know that he was getting married to another woman. As such, lodged the

complaint stating that the petitioner cheated her in the name of marriage and enjoyed her physically.

3. Basing on the said report, the above Crime was registered and the petitioner – accused was arrested on 04.11.2024.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioner submitted that the petitioner was innocent of the above offence. He planned to marry the *de-facto* complainant and also intimated the parents of the *de-facto* complainant about his intention to marry her. Both sides' parents met each other and accepted for their marriage. But, thereafter, the true nature of the *de-facto* complainant came out. She started to demand to transfer residential house in her name and also proposed to start separate family without the parents of the petitioner – accused residing with them post marriage, for which the petitioner – accused did not accept. As such the marriage proposal was put on hold by the family members of the petitioner – accused due to the unfair demands of the *de-facto* complainant. When the family of the petitioner – accused started to see suitable bride for the petitioner – accused, the behavior of the *de-facto* complainant changed and she started to harass the petitioner – accused and foisted this false case against him.

5.1. Learned counsel for the petitioner further submitted that the entire investigation was completed. The statements of the witnesses LWs.2 to 5 were recorded. The mobile phone of the petitioner – accused was also seized and also relied upon the judgment of the High Court of Madhya Pradesh in **Dheeraj Vishwakarma v. The State of Madhya Pradesh** decided on 20.07.2024, wherein an anticipatory bail was granted to the accused under Section 69 of BNS in similar circumstances.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the ingredients of Section 69 of BNS would *prima facie* attract to the facts of the case. The said Section was punishable with imprisonment for a period of 10 years and fine.

7. Considering the facts and circumstances of the case and as the *de-facto* complainant was a major woman, who entered into sexual relationship with the petitioner – accused knowing fully well that he only promised to marry her, but not yet entered into the marital relationship and whether the petitioner had a deceitful intention of cheating her in the name of marriage since beginning or not could be decided only after a full-fledged trial and as the petitioner was in custody, it is considered fit to enlarge the petitioner – accused on bail.

8. In the result, the Criminal Petition is allowed directing the petitioner – accused to be released on bail on his 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 learned VIII Additional Metropolitan Magistrate at Cyberabad, Kukatpally. The petitioner – accused shall comply with the conditions laid down under Section 480(3) of BNSS.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

**Date: 29th November, 2024
Nsk.**

Dr. G. RADHA RANI, J