

APHC010186612026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2756/2026

Between:

1. DURGAM NAVEEN, S/O. NAGAI AH R/O. PATHARAMAPURAM
VILLAGE KALASAPADU MANDAL YSR KADAPA DISTRICT, AP

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY PUBLIC
PROSECUTOR HIGH COURT, AMARAVATHI

2. VICTIM, VICTIM

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. D KODANDARAMI REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2756 OF 2026****ORDER:-**

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.1 for granting of pre-arrest bail in connection with Crime No.107 of 2025 of Komarolu Police Station, Prakasam District, registered for the alleged offence punishable under Sections 376(a)f, 417 r/w 34 of IPC.

2. Heard Mr.D.Kodandarami Reddy, the learned Counsel for the Petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor.

3. The case of the prosecution in brief is that this is a case of cheating and rape committed on a woman under the false promise of marriage being a relative with common intention that occurred on 23.10.2023 at the residence of accused at Patharamapuram Village, Kalasapadu Mandal, YSR Kadapa District. On 27.10.2025 at 16.00 hours the accused/accused No.1 who is close relative developed intimacy with her and by give a false promise that he would marry her had sexual intercourse with her several times at his residence at Patharamapuram Village and later at her residence at Edamakallu Village and during that period the parents of accused Nos.2 and 3 also assured the

complainant's family that the marriage would be performed. Believing the assurance both families executed a written marriage agreement before Advocate Gurralla Ramulu at Giddalur on 14.06.2024. But accused No.1 after completed his training and joined duty in the Indian Army he refused to marry the complainant and disowned the promise with the support of accused Nos.2 and 3. Later when the complainant and her family questioned them all the accused and threatened them with dire consequences and thus the accused No.1 cheated the complainant and committed rape on her without her consent under false promise of marriage and accused Nos.2 and 3 abetted and supported the cheating of the accused No.1.

4. Learned counsel for the petitioner would submit that petitioner is no way concerned with the alleged offences. The petitioner is falsely implicated in the present crime. The learned counsel would further submits that the petitioner approached this Hon'ble Court vide CrI.P.No.12243 of 2025 and this Hon'ble Court its order dated 02.12.2025 directed the investigating officer not to take any coercive steps against the petitioner and the investigating officer shall proceed with investigation and again vide order 23.02.2026 this Hon'ble Court extended the interim protection for a period of three weeks as to enable the petitioner to approach the concerned jurisdictional Court and to file appropriate application. The learned counsel would further submit that the petitioner is serving in Indian Army in 19th Battalion Punjab Regiment since 07.06.2024 and

he never committed any crime or is involved in any such offences earlier and therefore the petitioner do not have any previous criminal antecedents of any nature and the learned counsel would further submits that the petitioner is apprehending the arrest and if he sent to judicial custody he would loss his job and his became miserable. Learned counsel would further submit that the petitioners are ready and willing to furnish sufficient sureties to the satisfaction of the police officials.

5. The learned Assistant Public Prosecutor, vehemently opposed the petition contending that petitioner/accused No.1 failed to approached before the investigating officer and did not co-operative the investigation but the accused not supported the investigation and if the accused released on anticipatory bail, the accused not support the investigation in this case and further opposed that the petitioner is released on bail, he may threatened the prosecution witnesses and prays to dismiss the petition.

6. The learned counsel for the petitioner relied upon the Judgment of the Hon'ble Supreme Court in ***Nitin B. Nikhare vs. The State of Maharashtra and another***¹ in paragraph No.6 which is usefully extracted hereunder:

“6. This Court in a catena of judgments has held that the mere fact that physical relations were established pursuant to a promise to marry will not amount to a rape in every case. In

¹ Crl.A.No. of 2025 (Arising out of SLP (Crl.) No.1889/2024)

order for the offence of rape to be made out, two conditions need to be satisfied i.e. that the promise of marriage was made by the accused solely with a view to obtain consent for sexual relations without having any intention of fulfilling said promise from the very beginning, and that the false promise of marriage had a direct bearing on the prosecutrix giving her consent for sexual relations. (See: *Pramod Suryabhan Pawar v. The State of Maharashtra and Ors.* (2019 9 SCC 608); *Mahesh Damu Khare v. The State of Maharashtra and Ors.* 2024 SCC OnLine SC 347)”

7. Considering the submissions made and upon perusal of the material available on record, this Court is of the view that the judgment of the Hon'ble Supreme Court in ***Nitin B. Nikhare vs. State of Maharashtra and another***, relied upon by the learned counsel for the petitioner, does not come to the petitioner's aid. The specific allegation against the petitioner is that, without any intention of fulfilling the promise of marriage from the very inception, he established a physical relationship with the de facto complainant. The veracity of the said allegations is a matter that requires thorough investigation. At this stage, this Court does not find any justifiable grounds to grant anticipatory bail to the petitioner. There exists a reasonable apprehension that, if granted bail, the petitioner may tamper with crucial evidence and threaten the victim.

8. Having regard to the nature and gravity of the offence, this Court is of the considered opinion that the petitioner is not entitled to the relief of anticipatory bail. Accordingly, the Criminal Petition is liable to be dismissed.

9. In the result, the Criminal Petition is dismissed.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR.VENKATA JYOTHIRMAI PRATAPA, J

Date: 20.04.2026

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2756 OF 2026

20.04.2026

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