

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI**

**CRIMINAL PETITION No.7902 of 2026**

**DATE: 15.05.2026**

**BETWEEN:**

Naikoti Sravan.

**...Petitioner/Accused**

**And**

The State of Telangana, Rep. by its Public Prosecutor,  
High Court, Hyderabad.

**...Respondent/Complainant**

**ORDER:**

This Criminal Petition is filed by the petitioner/accused under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), seeking to grant bail to him in Crime No.420 of 2026 of Chandanagar Police Station, Cyberabad Commissionerate, registered for the offences punishable under Section 69 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr.Nambi Krishna, learned counsel for the petitioner and learned Public Prosecutor appearing on behalf of the respondent.

3. The case of prosecution is that the *de facto* complainant and petitioner/accused got acquainted with each other and became friends. They both became very close and on the false promise of marriage, they both met physically several times and the *de facto* complainant got pregnant and later the accused started avoiding her.

4. Learned counsel for the petitioner/accused submits that the petitioner/accused has been falsely implicated in the present case and is innocent and he never committed the alleged offence and the *de facto* complainant has foisted the present complaint against the petitioner/accused with all false allegations to extort money. Hence, prayed for grant of bail.

5. The learned Public Prosecutor opposed the application stating that there are specific allegations against the petitioner/accused. He further submits that the investigation in the case is in progress and if the petitioner/accused is released on bail at this stage, he may tamper with the evidence and threaten the victim, and hence, prayed to dismiss the petition.

6. The Hon'ble Supreme Court in *Ansaar Mohammad v. The State of Rajasthan*<sup>1</sup>, held that in the event of the complainant/victim willingly

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<sup>1</sup> 2022 Live Law (SC) 599

stayed in a relationship with the appellant, and thereafter, if the relationship did not work out, eventually, no offence under Section 376(2)(n) of IPC is made out. Further, in case of ***Shambhu Kharwar v. State of Uttar Pradesh***<sup>2</sup>, the Hon'ble Supreme Court held that since the relationship between the parties was purely consensual and as the complainant is aged 24 years, she is aware of her actions. Thus, the ingredients of offence of rape were not made out.

7. Admittedly, the *de facto* complainant/victim and the petitioner/accused are in relationship and they have participated in consensual sex. The aforesaid judgments are squarely applicable to the facts of the present case, as in this case also, the *de facto* complainant/victim had moved with the petitioner/accused with her own consent. Since the *de facto* complainant is aged 24 years, she is major and matured enough to take her own decision and aware of the consequences of her acts. *Prima facie*, this Court is of the considered view that the petitioner/accused alone cannot be made liable for the consensual acts, which is a subject matter of trial. In the said circumstances, the petitioner/accused can be granted bail subject to following conditions:

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<sup>2</sup> (2024) 3 SCC 496

(i) The petitioner/accused shall be released on bail on his executing a personal bond for Rs.20,000/- with two sureties for the like sum to the satisfaction of the learned I Additional Junior Civil Judge-cum-IX Additional Judicial Magistrate of First Class, Ranga Reddy District at Kukatpally.

(ii) The petitioner/accused shall abide by the other conditions stipulated in Section 480 (3) of the BNSS.

8. Accordingly, the criminal petition is disposed of.

As a sequel thereto, miscellaneous applications, if any pending, shall also stand closed.

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**JUSTICE T. MADHAVI DEVI**

Date: 15.05.2026.  
*krk/mvm*