

APHC010091762025



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

[3369]

TUESDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY-FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 1964/2025

Between:

Karthikeyan @ P S Karthik

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1.D PURNACHANDRA REDDY

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following ORDER:

1. This Criminal Petition, under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') is filed on behalf of the Petitioner/Accused seeking anticipatory bail in Crime No.10 of 2025 of Nagari Urban Police Station, Chittoor District, registered for the offences punishable under Sections 62 read with 64(1), 74, 75(2), 333 Bharatiya Nyaya Sanhitha, 2023 (for short, 'BNS') and Section 7 read with 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act').

2. The prosecution's case, in brief, is that on 04.01.2025 at approximately 2.30 p.m., the accused visited the complainant's residence and handed

Rs.5,000/- to the victim. The victim then called her father to enquire whether she should accept the cash. In response, the complainant instructed her, through phone, not to allow the accused to enter their house in his absence. At approximately 2.45 p.m., the accused forcibly entered the complainant's house, beat the victim girl and pushed her down, bolted the door from inside and due to fear, she raised hue and cries. The accused closed her mouth, beat her cheeks and forcibly attempted to commit rape on her. On hearing her cries, the neighbours rushed there, on that the accused escaped from there.

3. Learned counsel for the Petitioner submits that the Petitioner has been falsely implicated in the present crime due to serious disputes with the defacto complainant. Moreover, the alleged incident, which is said to have occurred on 04.01.2025 and was reported on 07.01.2025, with a delay of 3 days. Additionally, there is no material evidence to establish that the Petitioner attempted to commit rape on the victim. The Petitioner is willing to furnish suitable security and comply with any conditions set by the Court and therefore prays for the grant of bail.

4. On the other hand, the learned Assistant Public Prosecutor, appearing for the Respondent/State, opposed the grant of anticipatory bail to the Petitioner.

5. I have heard both sides. Learned counsel on both sides reiterated their submissions, which are on par with the contentions presented in the Petition and the Report.

6. Perused the report lodged by the Defacto Complainant and also the copy of Section 164 Cr.P.C. statement of the victim.

7. As seen from the record, the victim girl is a minor girl of 17 years of age. According to the prosecution, on 04.01.2025 at approximately 2.45 p.m., the accused attempted to commit rape on the victim girl.

8. It is trite that among other considerations which the Court has to take into account in deciding whether bail should be granted in a non-bailable offence is the nature and gravity of the offence.

9. The learned counsel for the Petitioner argues that the delay in filing the report is detrimental to the case. According to the Prosecution's version, the alleged incident took place on 04.01.2025. It appears that the delay in reporting occurred because the Defacto Complainant, who is the father of the victim, was unavailable. He returned from Ahmedabad on 06.01.2025, and the report was subsequently lodged on 07.01.2025. It cannot, therefore, be asserted that the Defacto Complainant has failed to provide any explanation for the delay. At this juncture, in the absence of any cogent material, it is difficult to accept the Petitioner's contention that the delay was the result of deliberations and legal consultations.

10. Indeed, pre-trial imprisonment cannot be used as a substitute for the punishment without the scrutiny of the evidence by the Trial Court, but, at the same time, in a case where a girl was in such a situation, as referred to above, grant of bail to the Petitioner, at this stage, may also have an adverse impact on the society.

11. In a case containing serious allegations, the Investigating Officer deserves a free hand to take the investigation to its logical conclusion. It goes without saying that the investigation officer who has been prevented from subjecting the petitioner to custodial interrogation, can hardly be fruitful to find out *prima facie* substance in the allegations which are of extreme serious in nature. The possibility of the investigation getting effected, once the petitioner is released on bail is very much foreseen. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail.

12. The anticipatory bail, the extraordinary privilege, should be granted only in exceptional circumstances, where the Court is *prima facie* convinced that

the Petitioner is enroled in the crime and unlikely to misuse the liberty granted. The necessity for custodial interrogation of the Petitioner is paramount in this case to facilitate a thorough investigation into the accusations. Denying custodial interrogation could result in significant loopholes and gaps in the ongoing investigation, adversely affecting its integrity.

13. The material on record indicates that the Petitioner / Accused was previously involved in another case in Cr.No.229 of 2021, for the offences under sections 376 r/w 511 of IPC and Section 8 of POCSO Act, and that the custodial interrogation of the Petitioner is necessary for further investigation.

14. Given above, considering the cumulative effect of entire facts and circumstances, without commenting upon the merits of the case and keeping in view the principles laid down by the Hon'ble Apex Court and other factors, like the nature of the offence, the manner, in which it has been committed and its impact on the society, Petitioner/Accused is not entitled to anticipatory bail, at this stage.

15. Accordingly, the Criminal Petition is ***dismissed***.

Miscellaneous applications pending, if any, shall stand closed.

JUSTICE T.MALLIKARJUNA RAO

Date: 04.03.2025

ASR / SAK

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

Criminal Petition No. 1964 of 2025

Date: 04.03.2025

SAK