

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9685 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 in F.I.R No.173 of 2021 of SIT, Hyderabad, registered for the offence punishable under Section 409 of the Indian Penal Code, 1860 (for short “IPC”) and Section 3 (1)(c), 5 (1) (a) (3) of the Official Secrets Act, 1923.

2. On 14.10.2021 a report was given by Dr.P. Anil Kumar, Scientist “F” & Director, Management Services, DRDO, Kanchanbagh, Hyderabad stating on 14.10.2021 being the Special Day for Dussehra Pooja, security check at the entry point was slightly relaxed as the family members were permitted to attend pooja. At about 11.30 a.m. the complainant carried out surprise check and found a smart phone in possession of petitioner and when he verified the same, he found confidential information like photographs of Aerospace components (2 photos), configuration details of AD missile (1 photo) in his mobile and he conveyed the same to one Sarah Rajpoot over Whatapp, which appears to be from a foreign nation. Basing on the said complaint, the present crime was registered.

3. Heard Sri B.V.Ram Naresh Kumar, learned counsel for petitioner and learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that petitioner is alleged to have committed the offence punishable under Section

409 of IPC and Section 3 (1)(c), 5 (1) (a) (3) of the Official Secrets Act, 1923. He submits that petitioner has been implicated in this case and he is unconnected with the alleged offence. He submits that it is alleged that on 14.10.2021 Dussehra Festival day, smart phone of petitioner was seized, wherein some confidential photos are there, but on that day, petitioner did not attend the office at all and for the reasons best known to them, he has been implicated in this case. He submits that petitioner was arrested on 13.10.2021 and detained illegally, on 14.10.2021 crime was registered and remanded him to judicial custody on 15.10.2021. He submits that petitioner is languishing in jail from the last 75 days, as such his case may be considered for grant of bail.

5. Learned Assistant Public Prosecutor submits that the investigation is pending and petitioner is alleged to have committed the offence punishable under Section 409 of IPC and Section 3 (1)(c), 5 (1) (a) (3) of the Official Secrets Act, 1923. He submits that petitioner is Junior Scientist in DRDA and as per his confession, he was continuously chatting with a lady and so far the police could not find out the details of A-2. He submits that investigation is still pending and looking at the nature of offence, petitioner is not entitled for bail.

6. Taking into consideration the fact that petitioner is languishing in jail from the last 75 days and as he is ready to cooperate with investigation, this Court deems it appropriate to enlarge the petitioner on bail.

7. Accordingly, this Criminal Petition is allowed. Petitioner-Accused No.1 shall be enlarged on bail in connection with F.I.R No.173 of 2021 of SIT, Hyderabad on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of IV Additional Metropolitan Sessions Judge Criminal Court, Nampally, Hyderabad. The petitioner shall appear before the investigating officer on every Sunday between 10.00 a.m. and 12.00 p.m. till completion of investigation.

LALITHA KANNEGANTI, J

28th December 2021

PVD

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

Allowed

CRIMINAL PETITION No.9685 of 2021

28th December, 2021

PVD