

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITIONS No. 343 and 344 of 2022

COMMON ORDER:

These Criminal Petitions under Sections 437 and 439 Cr.P.C. are filed by the petitioners – Accused Nos.10 and 1 respectively in Crime No. 471 of 2021 on the file of Saifabad Police Station registered for the offences punishable under Sections 307, 395, 212, 412 and 120(B) IPC, seeking bail.

2. The case of the prosecution is that on 16.10.2021 at 05.00 hours, a report was received from the complainant stating that on 15.10.2021, their watchman Dipesh, Vikas along with three to four members committed theft by hurting his grandfather. It is alleged that the accused persons suddenly entered into the bed room and one of them sat on the chest of his grandfather and beat him, tied his legs, hands, mouth with a towel and threatened him with dire consequences. It is further alleged that the above-said persons tried to tie and beat his grandmother also, but on her repeated requests, they let her free and asked her to show the almyrah keys and on showing the keys, they opened the almyrah and took away cash and gold jewellery and ran away.

3. Learned counsel for the petitioners Sri M. Ramesh submits that it is alleged that Accused Nos. 1 to 9 in order to escape from Hyderabad, have engaged Accused No.10, who is having good acquaintance with the travelling agencies / agents who operate buses from Mumbai, Pune to Nepal border and moreover the accused persons have intimated him regarding commission of offence and after committing the offence, Accused

Nos. 2 and 7 met Accused No.10 who gave them shelter in his house and arranged car on hire basis from Mumbai to Pune from where he arranged booking / transportation to Accused Nos. 2 and 7 to Nepal border. It is further alleged that Accused No.2 gave Rs. 30,000/- and one gold chain wrecked into two pieces and out of the given amount, Accused No.10 was in the possession of Rs.13,000/- cash and remaining amount was spent by him. Learned counsel submits that petitioners are unconnected with the alleged offences and they have been implicated in this case. He further submits that Accused No.8 was already granted bail by the Court below and the petitioners have been languishing in jail from the last 105 days, hence, their case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor also does not dispute the fact that the other accused were granted bail, however, he submits that the petitioners belong to Nepal and if they are enlarged on bail, it would be very difficult for the prosecution to secure their presence during the course of trial. It is also submitted that in all the cases where bail was granted, it is becoming difficult for the prosecution during the course of trial to secure the presence of the accused persons and in those cases, N.B.Ws. are being issued. In these circumstances, the learned Assistant Public Prosecutor opposed the bail petitions. He submits that the charge-sheet is already filed.

5. There is no dispute about the fact that the other accused were granted bail and the petitioners have been languishing in jail from the last 105 days. It is also not in dispute

that the entire investigation is completed and charge-sheet is also filed. The only apprehension of the police is that if the petitioners are enlarged on bail, it would be difficult to secure their presence during the course of trial. In those circumstances, balancing the interests of the accused as well as the prosecution, this Court deems it appropriate to grant bail to the petitioners, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioners – Accused Nos.10 and 1 shall be enlarged on bail in connection with Crime No. 471 of 2021 on the file of Saifabad Police Station on each of them executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two local sureties for a like sum each to the satisfaction of the I Additional Chief Metropolitan Magistrate, Hyderabad. Petitioners shall cooperate with the investigating officer and they shall appear before the Station House Officer concerned once in a month i.e. on second Sunday between 10.00 a.m. and 02.00 p.m till trial is completed.

LALITHA KANNEGANTI, J

15th February 2022

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