

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1658 of 2022

O R D E R:

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C seeking regular bail to the petitioner – Accused No.1 in connection with Crime No. 125 of 2021 on the file of Narsingi Police Station, registered for the offences punishable under Sections 457 and 380 IPC.

2. The case of the prosecution is that on 05.02.2021, at 20.00 hours, the complainant lodged a report stating that on 02.02.2021, at about 20.30 hours, she locked her house and went to native village, Vikarabad to attend a function. On 05.02.2021, at about 10.00 hours, when the complainant's brother went to her house for watering the plants, they noticed first door lock in broken condition and informed the same to the complainant through a phone call from mob number. Upon that, at about 17.00 hours, the complainant returned to her house and noticed that almyrah lock in the bed room was in broken condition and she came to know that some unknown persons entered into the house and committed theft of gold, silver ornaments and cash.

3. Learned counsel for the petitioner Sri Yakub Ali submits that the petitioner is alleged to have committed the offences under Sections 457 and 380 IPC. and without any basis, he has been implicated in several cases. He submits that for statistical purpose, the petitioner has been implicated

in one case after the other in fourteen cases without there being any material to connect him with the alleged crime. Learned counsel submits that in nine cases, the petitioner was acquitted and five more cases are pending against him. Learned counsel along with the bail petition also filed the order of acquittal passed by the Court below and basing on that, he submits that without any basis, the petitioner has been implicated in these cases. He further submits that in earlier cases according to the case of the prosecution, they have seized articles from the possession of the petitioner in the presence of panch witnesses, but the said witnesses have stated that they were not present at the time of seizure and in fact, their signatures were obtained on white papers. He submits that the petitioner was illegally detained from 24.11.2021 to 28.11.2021 before his remand and he was languishing in jail from 28.11.2021 in respect of other crimes and in this crime, PT warrant was executed on 11.12.2021. He submits that for detaining the petitioner illegally and for violation of the provisions of Section 41(B)(b)(i)(ii) Cr.P.C. and Articles 21 and 22 of the Constitution, he will initiate appropriate proceedings. He therefore, submits that the case of the petitioner may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is completed and charge sheet is also filed. He however, submits that the petitioner is a habitual offender and several cases are

registered against him, hence, he is not entitled for grant of bail.

5. Taking into consideration the fact that the petitioner is languishing in jail from 28.11.2021 and looking at the judgment passed by the Court below where the petitioner was acquitted in nine cases, which strengthens the argument of the learned counsel for the petitioner, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. Accordingly, this Criminal Petition is allowed and the petitioner – Accused No.1 shall be enlarged on bail 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 the XVI Additional Metropolitan Magistrate, Cyberabad at Rajendernagar. The petitioner shall cooperate with the investigation and he shall appear before the police once in a fortnight i.e. on Second and Fourth Sunday between 10.00 a.m. and 02.00 p.m.

LALITHA KANNEGANTI, J

4th March 2022

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