

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1659 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 in connection with Crime No. 1044 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 06.09.2021, at 10.00 hours, the complainant lodged a report stating that on 25.08.2021, at about 16.00 hours, he along with his family went to Chevella to attend a function. On 05.09.2021, at about 10.00 hours, the complainant's house owner called him and informed that the lock of the house was broken and the door was opened. On that, the complainant returned to the house and noticed that 1 kg. of silver was missing.

3. Learned counsel for the petitioner Sri Mohd. 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. 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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