

**THE HON'BLE Dr. JUSTICE G. RADHA RANI**

**CRIMINAL PETITION No.13481 OF 2024**

**ORDER:**

This criminal petition is filed by the petitioner – accused No.2 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail in Crime No.548 of 2024 of P.S. Nirmal Town, registered for the offences under Sections 309(6) r/w. 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25(1b)(a) of Indian Arms Act, 1959.

2. The case of the prosecution, in brief, was that on 21.10.2024 at 07:30 hours, the *de facto* complainant came to Nirmal Town Police Station and lodged a report stating that on 20.10.2024, he along with his wife and children attended the marriage of his elder brother's daughter at Galaxy Function Hall and while they were returning home in his own auto, at about 01:10 hours, the pillion rider of a Scooty bearing No.TS-07HY-5112 got down from the Scooty and came in front of auto at Ambedhkar Chowrastha, Nirmal and stopped the auto and attempted to snatch the gold chain from the neck of his wife.

Noticing the above, the *de facto* complainant tried to rescue his wife from the clutches of the unknown person, but the said unknown person attacked him with a knife and while he managed to escape, his son Saad sustained bleeding injury on his head. On the hue and cry made by him and his wife, the said persons fled away. He further stated that after the incident, he took his son to Government Area Hospital, Nirmal, and after treatment, he along with his wife came to Police Station and lodged the report. Basing on the said report, the above crime was registered. The petitioner – accused No.2, along with accused No.1, was arrested on 21.10.2024 at Nirmal Town.

3. Heard Sri. N.Ananda Rao, learned counsel representing Sri. Kondadi Ajay, learned counsel for petitioner on record and learned Additional Public Prosecutor for respondent-State.

4. The learned counsel for the petitioner submitted that there was no whisper about the involvement of the present petitioner in the FIR, the present petitioner was alleged to be the rider of the Scooty, but not the pillion rider. He was the only male member of his family. His father passed away on 09.05.2007.

The marriage of his sister was settled and it was scheduled on 10.11.2024. The petitioner being the only male member in his family need to perform the marriage rituals and his presence was very much required and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner shared a common intention along with accused No.1 in committing the offence and the investigation is not yet completed. A requisition was given to the Judicial Magistrate of First Class for conducting Test Identification Parade only today and as such prayed to dismiss the bail application of the petitioner.

6. Perused the record.

7. Considering the facts and circumstances of the case, as no specific overt acts are attributed to the petitioner – accused No.2 and also considering the representation of the learned counsel for petitioner that he was the only male member in his family and the marriage of his sister was scheduled on 10.11.2024, it is considered fit to enlarge the petitioner on interim bail for a period of fifteen (15) days.

8. In the result, this Criminal Petition is allowed, directing the petitioner – accused No.2 to be released on interim bail in the above crime, for a period of fifteen (15) days, subject to the following conditions:

- i) The petitioner - accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the Additional Judicial First Class Magistrate, Nirmal.
- ii) The petitioner – accused No.2 shall surrender himself before the concerned Court on 22.11.2024 at 10.30 A.M.
- iii) The petitioner – accused No.2 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending, shall stand closed.

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**Dr. G. RADHA RANI, J**

Dt: 08.11.2024

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