

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13629 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.8 under Section 482 of BNSS for grant of anticipatory bail in Crime No.262 of 2024 dated 12.09.2024 on the file of Nalgonda II Town Police Station, Nalgonda District, registered for the offences punishable under Sections 140(1), 308(4), 127(2) of Bharatiya Nyaya Sanhita (for short 'BNS')

2. The case of the prosecution in brief was that on 12.09.2024 at 11:00 hours, the *de facto* complainant, the second wife of the victim came to Nalgonda Police Station and lodged a report stating that on 12.09.2024 at 10.00 hours while she along with her husband and her mother-in-law Lalitha and grand mother Chilukamma were present at their rented house situated at Madeena Colony, BTS, Nalgonda, meanwhile, her husband's first wife Manjula, who had already taken divorce legally and her brother Sandeep and four other members came into her house in a blue colour car, they criminally trespassed into the house and started beating her husband. On seeing the same, she along with her mother-in-law tried to rescue her husband from the clutches of the said persons. They also beat them and forcibly took away her husband in their car. They kidnapped him with an intention to kill him.

3. Basing on the said report, the above Crime was registered against A1 to A6 initially and thereafter against A1 to A9.

4. The Police, thereafter, apprehended A1 and A2 in the afternoon hours on 12.09.2024 at the house of accused No.1 situated at H.No.1-46, Peddamangalavaramu village, Moinabad Mandal, Ranga Reddy District. It was reported that on interrogation A1 and A2 confessed that that they committed the offence along with A3 to A6. The Police rescued the victim (LW.5) who was confined in a room in their house and arrested A1 and A2.

5. Heard the learned counsel for the petitioner/accused No.8 and the learned Additional Public Prosecutor for the respondent – State.

6. Learned counsel for the petitioner submitted that the petitioner was a resident of Vemulawada for the past 33 years. Accused No.1 was his wife's sister. His presence was not mentioned by the *de facto* complainant or any other witnesses. Only in the remand report of accused No.7, it was mentioned that accused Nos.1 and No.2 confessed about his presence. No overt acts were attributed to the petitioner-accused No.8 and prayed to enlarge the petitioner on anticipatory bail.

7. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner.

8. Considering the remand report of accused Nos.1 and 2 wherein the involvement of the present petitioner was not stated by accused Nos.1 and 2 and they only stated about four other persons shown as Accused Nos.3 to 6, alleged to be the friends of accused No.1 were present and the role of the present petitioner was not stated by the *de facto* complainant in her complaint or stated by any other witnesses till date and as it is reported that the petitioner was a resident of Vemulawada and was not a resident of Ranga Reddy District and his presence was not found by the Police when they arrested accused Nos.1 and 2 from their house, it is considered a fit case for grant of anticipatory bail to the petitioner/accused No.8.

9. In the result, the Criminal Petition is allowed and the petitioner-A8 shall be released on anticipatory bail subject to the following conditions:

- i) The petitioner-A8 is directed to surrender before the Station House Officer, Nalgonda II Town Police Station, Nalgonda District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

ii) The petitioner-A8 shall abide by the conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

As sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G.RADHA RANI, J

Dated: 26.11.2024

FM/HFM