

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13876 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners - Accused Nos.1 and 2 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short “BNSS”) seeking regular bail in Crime No.262 of 2024 on the file of Nalgonda II Town Police Station, Nalgonda District, registered for the offences under Sections 140(1), 308(4) and 127(2) of Bharatiya Nyaya Sanhitha (for short ‘BNS’).

2. The case of the prosecution, in brief, was that on 12.09.2024 at 11:00 hours, the complainant, 2nd wife of the victim, lodged a complaint in the police station stating that on 12.09.2024 at 10:00 hours while she was along with her husband, mother-in-law and grandmother in their rented house situated at Madeena Colony, BTS, Nalgonda, the first wife of her husband, one Manjula, who had already divorced legally, and her brother and four other members came to her house in a blue colour car, criminally trespassed into her house, quarreled with her husband and they 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 her husband in their car. On the said complaint, the Police of Nalgonda II Town Police Station registered a case in Crime No.262 of 2024. On the same day in the afternoon hours of 12.09.2024, the Police along with women force went to the house of A1 situated at H.No.1-46, Peddamangalara Village of Moinabad Mandal, Ranga Reddy District and apprehended A1 and A2. They also found the victim confined in a room in the said house and released him. They produced A1 and A2 before the Court.

3. Heard the learned counsel for the petitioners - Accused Nos.1 and 2 and the learned Additional Public Prosecutor for the respondent No.1 - State.

4. Learned counsel for the petitioners – Accused Nos.1 and 2 submitted that LW5 (the victim) obtained divorce from the petitioner No.1 without her consent and knowledge. It was an *ex-parte* divorce obtained by LW5 in F.C.O.P.No.1249 of 2023 at Ranga Reddy Court. The petitioner No.1 approached her elders and well wishers of their family and conducted a meeting at Nalgonda. After completion of the meeting, the complainant and LW5 colluded with each other and foisted

a false case against the petitioners herein at Nalgonda Police Station. Three bail applications filed by the petitioners were dismissed by the trial court. The petitioners were in custody for the past 80 days. The petitioner No.1 was a woman having minor children of 8 and 9 years of age. The petitioner No.2 was none other than the brother of the petitioner No.1. He was working as a tanker driver and the family is entirely dependant on him. The petitioners were not having any criminal record and prayed for grant of bail to the petitioners.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that the petitioners were involved in criminal offences like kidnap, extortion and wrongful confinement. The investigation is not yet completed and some of the accused are yet to be arrested.

6. Considering the facts and circumstances of the case, the petitioner No.1 being a woman and she was in custody for the past 80 days and was having minor children and as it was reported that there were no injuries on the person of LW5, alleged victim and the petitioner No.2 is none other than the brother of petitioner No.1 and there is no criminal record against the petitioners, it is considered fit to grant regular bail to the petitioners.

7. In the result, the Criminal Petition is allowed directing the petitioners – Accused Nos.1 and 2 to be released on regular bail subject to the following conditions:

- i) The petitioners – Accused Nos.1 and 2 shall execute a personal bond for a sum of Rs.25,000/- each (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the Family Court-cum-III Additional Sessions Judge, Nalgonda.
- ii) The petitioners - Accused Nos.1 and 2 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, pending if any, shall stand closed.

Date: 27th November, 2024
spk/bb

Dr. G.RADHA RANI, J