

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14807 of 2024

ORDER:

Seeking the Court to enlarge the petitioners in Crime No.247 of 2024 of Kaghaznagar Town Police Station, Kumurambheem Asifabad District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 13.10.2024, at about 08:00 p.m., during immersion process of goddess Durga Maa, while the *de-facto* complainant returning from the ESI hospital on his bike, the accused persons attacked him by stopping his bike and also beaten him indiscriminately. Hence, a case was registered vide Crime No.247 of 2024 before the Kagaznagar Town Police, Kumurambheem Asifabad District, for the offences punishable under Sections 115(2), 118(1), 126(2) and 109 read with 3(5) of the BNS.

3. Heard Sri S.Chandra Sekhar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners *firstly* submitted that the petitioners are innocent and their names were not mentioned in the FIR. He *secondly* submitted that the

petitioners are no way concerned with the alleged offences. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioners is unnecessary. He *fourthly* submitted that accused Nos.2, 3 and accused Nos.4, 5 have been in judicial custody since 15.10.2024 and 19.10.2024, respectively, causing undue hardship to their families. He *fifthly* submitted that the petitioners are residents of Kaghaznagar Mandal, Kumurambheem Asifabad District, with movable and immovable properties, and are willing to furnish sureties as directed. He *lastly* submitted that previously, bail applications of the petitioners, *vide* Crl.M.P.Nos.259, 262, 266 of 2024 and Crl.M.P.No.275 of 2024, were dismissed by the Court of the Principal Sessions Judge, Asifabad, on 04.11.2024 and 20.11.2024, respectively, without valid reasons and prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the investigation is not yet completed, therefore, granting bail to the petitioners, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, since the petitioners are languishing in

jail from 15.10.2024 and 19.10.2024 and material part of investigation is completed, this Court deems it fit to grant bail to the petitioners subject to the following conditions:

- i. The petitioners shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Sirpur-(T), Kumurambheem Asifabad.
- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioners shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 11.12.2024
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