

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15178 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.4 in Crime No.452 of 2024 of Kollur Police Station, Cyberabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 28.09.2024, at about 14:00 hours, the *de-facto* complainant went to meet his client at Tellapur for his marketing work by parking his motor bike bearing No. TS 10 ET 3975 in front of Raghavendra Udipi Hotel, Tellapur. It is stated that when the *de-facto* complainant came out from the Raghavendra Udipi Hotel after finishing his lunch, he found that his motor bike was missing from the parking place. Hence, a case was registered vide Crime No.452 of 2024 before the Kollur Police, Cyberabad, for the offences punishable under Section 303(2) of the BNS.

3. Heard Sri N.Sudharshanam, 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 petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that though there is no corroborative evidence to prove the alleged offences, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 02.10.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Boddupal, Medchal Malkajgiri District, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail applications of the petitioner, *vide* CrI.M.P.Nos.2132 and 2218 of 2024, were dismissed by the Special Judicial Magistrate of First Class, Prohibition and Excise Offences Court, Sangareddy, on 21.10.2024 and 29.10.2024, respectively, without valid reasons and prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner also involved in other cases with similar offences and the investigation is not yet

completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions made by both the parties and reviewing the record, it is apparent that the petitioner was implicated in the case by alleging that he is associated with accused Nos.1 and 2 without there being any corroborative evidence. Pertinently, the petitioner is languishing in jail from 02.10.2024 and material part of the investigation is completed. Hence, in view of the facts and circumstances of the case, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner 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 Special Judicial Magistrate of First Class Prohibition and Excise Offences-Cum-III Additional Junior Civil Judge at Sangareddy, Sangareddy District.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of

investigation, and thereafter, as and when required.

- iii. The petitioner 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: 18.12.2024
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