

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.15625 of 2024

ORDER :

Petitioner/accused No.4 has filed this petition under Sections 480 and 483 of of Bharatiya Nagrik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail in Cr.No.505 of 2020 of Moinabad Police Station registered for the offences under Sections 447, 427, 506 of Indian Penal Code (for short IPC) and section 3(g) of SC, ST, POA Act.

2. Heard Mr.Vishal Kumar Jain, learned counsel for petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the State and perused the record.

3. The case of the prosecution is that defacto complainant lodged a complaint against accused persons in Cr.No.505 of 2020, wherein the allegation against the accused is that they trespassed into their plot at Peddamangalaram village, Moinabad Mandal and occupied illegally ant tried to grab the said plot and on questioning them they threatened with dire consequences.

4. Learned counsel for petitioner/accused No.4 submits that the none of the offences alleged are attracted to the petitioner and the only allegation made against the petitioner herein is that the defacto complainant purchased the land from him and that he failed to safeguard his property and such an allegation by itself will not attract any of the above offences of trespass, criminal threatening nor any offence under SC/ST Act. He further submits that report was given on 16.11.2020 and the petitioner was arrested on 02.12.2024 and the entire investigation was completed and as per remand report dated 02.12.2024, 11 witnesses have already been examined. Further the petitioner was served notice under section 41-A Cr.P.C. by the investigating officer and the petitioner also explained and is cooperating with the investigation. He further submits that the petitioner is suffering with health ailments and entire investigation is completed and as the petitioner is cooperating for investigation without violating the conditions in section 41-A of Cr.P.C., prayed for grant of bail.

5. The learned Assistant Public Prosecutor, on the other hand, opposed the application and prayed to dismiss the petition.

6. Having heard both sides and on perusal of material placed on record, most of the investigation is completed as 11 witnesses have been examined and the case is of the year 2020 and 4 years have been elapsed by now and petitioner/accused No.3 is in judicial custody since 02.12.2024. In the said circumstances, and as the petitioner is cooperating for investigation in compliance with the section 41-A Cr.P.C. notice, this Court is inclined to grant bail to the petitioner/accused No.4, subject to the following conditions:

- 1. The petitioner/accused No.4 shall be released on bail on his executing a personal bond for Rs.20,000/- each with two sureties for the like sum each to the satisfaction of II Additional Junior Civil Judge-cum-XIII Additional Metropolitan Magistrate, at Rajendranagar.**
- 2. The petitioner/accused No.4 shall comply with the conditions as laid down under Section 480 (3) Bharatiya Nagarik Suraksha Sanhitha, 2023.**

7. Accordingly, this Criminal Petition is allowed.

JUVVADI SRIDEVI, J

Date: 20.12.2024
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