

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15623 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.532 of 2024 of Mangalhat Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The *defacto* complainant, who is brother of the deceased lodged a complaint against the petitioner stating that on 13.10.2024 while the deceased was talking over phone with the petitioner-accused No.2 herein and the accused Nos.1 and 3, they abused and threatened him and called outside. Deceased went outside, wherein the *defacto* complainant followed him and found the accused No.2 along with A1 and A3 and beat the deceased and forcefully pushed him and on that he fell down and became unconscious and he was shifted to the hospital, wherein duty doctor declared as brought dead. The motive for the commission of offence is property disputes between A1, A3 and the deceased and thereby the accused herein and A1 and A3 conspired together to kill the deceased and beat him brutally with injuries, due to which he died. Hence, a case was registered vide Crime No.532 of 2024 before

the Mangalhat Police, Hyderabad, for the offences punishable under Section 103(1) read with 3(5) of the BNS.

3. Heard Sri N.Venkataiah, 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 though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He *secondly* submitted that there is no evidence to kill the deceased by this petitioner and this petitioner is no way related with the deceased and actual dispute is between A1, A3 and deceased and this petitioner is innocent and he is no way concerned with the alleged offences and he is falsely implicated in this case. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary, as major part of the investigation is completed. He *fourthly* submitted that the petitioner has been in judicial custody since 15.10.2024, causing undue hardship to his family and that the allegations are false and fabricated. He *lastly* submitted that the petitioner is resident of Mangalhat, Hyderabad with movable and immovable properties, and is willing to furnish sureties as

directed 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 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, since the petitioner is languishing in jail from 15.10.2024 and material part of the investigation is completed, 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 XVI Additional Chief Judicial Magistrate at Hyderabad.
- 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: 24.12.2024
BV

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15623 of 2024

Date: 24.12.2024

BV