

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL

CRIMINAL PETITION No.15812 of 2024

ORDER :

Petitioner/accused No.1 has filed this petition under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail in Cr.No.150 of 2024 of Velpoor Police Station, Nizamabad District registered for the offences under Sections 125(a) of Bharatiya Nyaya Sanhita, 2023 (for short BNS).

2. Heard Mr.B.Akash Kumar, learned counsel representing on behalf of Sri N.Krishna Sumanth, 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 on 23.10.2024 while the complainant and LW2 went to Pacchalanadkuda village on Activa Scooty in view of giving advance to open a saree shop, in the meantime LW2's husband/A1 along with another person came in a

car and overtook their scooty due to previous quarrels resulting which they fell down from scooty and petitioner abused LW2 and quarreled and asked her to leave or he will kill her due to which she walked aside but the petitioner drove his car in rash and high speed and ran over the complainant resulting injuries to her left leg, right knee and head.

4. Learned counsel for petitioner submits that initially FIR has been registered under section 125(a) of BNS thereafter the said section has been altered to sections 109, 292, 49 read with 3(5) of BNS and sent the petitioner to jail. He would submit that the alteration of section 125(a) to 109, 292, 49 read with 3(5) of BNS does not attract and learned trial Court ought not have taken the cognizance of said alteration of section of law as none of the ingredients of the section attract the sections 109, 292, 49 read with 3(5) of BNS. Hence seeks to grant bail to the petitioner.

5. The learned Additional Public Prosecutor while opposing the same would submit that only after

thorough investigation alteration of section memo is filed and truth can be elicited only after fulfilled trial and therefore seeks to dismiss the petition.

6. Upon hearing both learned counsel for the petitioner, learned Additional Public Prosecutor, and after verifying the material papers, this Court is of the opinion that the story of the prosecution is contrary to the complaint filed by the defacto complainant. As seen from the record the complaint dated 24.10.2024 shows that the accused was driving the car and dashed the complainant causing her injuries. That being the case, the prosecution story is otherwise in the alteration memo and it would obviously be determined upon conducting thorough trial. Subjecting the petitioner to jail on the strength of alteration memo is perverse. Hence, this court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

- 1. The petitioner/accused No.1 shall be released on bail on his executing a personal bond for Rs.25,000/- each with two sureties for the**

like sum each to the satisfaction of Judicial Magistrate of First Class at Armoor.

- 2. The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 480 (3) Bharatiya Nagarik Suraksha Sanhitha, 2023.**

Petition is allowed accordingly.

E.V. VENUGOPAL, J

Date: 27.12.2024
BV/LK