

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15882 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for granting of pre-arrest bail to the petitioner who is arrayed as accused No.3 in Crime No.354 of 2024 of Chaderghat Police Station, Hyderabad.

2. The brief facts of the case are that the while the *de-facto* complainant was passing from Hi-Tech Garden, the accused persons besides beating the *de-facto* complainant mercilessly by taking his money, also threatened him with dire consequences. Hence, a case was registered vide Crime No.354 of 2024 before the Chaderghat Police, Hyderabad, for the offences punishable under Section 309(4) read with 3(5) of the BNS.

3. Heard Sri S.M.Rizwan Akhtar, 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, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that the petitioner is resident of Malakpet, Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.5613 of 2024, was dismissed by the Additional Sessions Judge for the Trial of Communal Offence Cases-Cum-VII Additional Sessions Judge-Cum-XXI Additional Chief Judge at Hyderabad, on 17.12.2024, without valid reasons and prayed the Court to grant pre-arrest 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. Having regard to the submissions made by both the parties and a perusal of the material placed on record, prima facie, it is apparent that there is no averment to show that the petitioner was present at the scene of offence. It is pertinent to note that material part of the investigation is completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner:

- i. The petitioner shall surrender before the Station House Officer of P.S. Chaderghat, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 10 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.

iii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 30.12.2024
gms

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