

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15972 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.7 in Crime No.773 of 2024 on the file of Borabanda Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the accused persons despite asking the *de-facto* complainant to repay the loan amount, also threatening her with dire consequences. It is stated that the accused persons are harassing the *de-facto* complainant by using filthy language. Hence, a case was registered vide Crime No.773 of 2024 before the Borabanda Police, Hyderabad, for the offences punishable under Sections 308(5), 79, 351(2), 61(2) of the BNS and Sections 66(C) and 66(D) of the ITA.

3. Heard Sri Baglekar Akash Kumar, 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 as the only allegation against the petitioner is that he provided SIM card without any Identity proof. 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 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 16.12.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* CrI.M.P.No.1665 of 2024, was dismissed by the III Additional Chief Judicial Magistrate, Nampally, Hyderabad, on 19.12.2024, 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 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 from both the parties and reviewing the record, it is apparent that only allegation against the petitioner is that he provided SIM cards without any Identity proof. As such, the offence under Section 308(5) of the BNS is not applicable to the petitioner. Hence, since the petitioner is languishing in jail from 16.12.2024 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.15,000/- (Rupees Fifteen Thousand only) each, with two sureties for a like sum each to the satisfaction of the III Additional Chief Judicial Magistrate, 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: 26.12.2024
gms

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