

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15979 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.4 in Crime No.969 of 2024 of Borabanda Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 06.12.2024, at about 16:00 hours, when the *de-facto* complainant, along with his friends, reached Astrid Rowe Memorial High School at Karmika Nagar, the accused persons attacked the *de-facto* complainant and his friends and bet them mercilessly by using filthy language. Hence, a case was registered vide Crime No.969 of 2024 before the Borabanda Police, Hyderabad, for the offences punishable under Section 109 read with 3(5) of the BNS.

3. Heard Sri P.Gajendra Murthy, 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 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 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 09.12.2024, causing undue hardship to his family and that the allegations are false and fabricated. He *fifthly* submitted that the petitioner is resident of Yousufguda, 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.5679 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 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 made by both the parties and reviewing the record, since the petitioner is languishing in

jail from 09.12.2024 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.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the III Additional Chief Judicial Magistrate at Nampally, 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 partly allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 31.12.2024
gms

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