

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.784 of 2025

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused in Crime No.186 of 2022 of Kalloor Police Station, Khammam District.

2. The brief facts of the case are that on 03.09.2022, an incident occurred at Ambedkar Nagar, Kalluru Village, where Gurralla Swarna Latha, was found dead under suspicious circumstances in her rented house. A plastic bottle containing a black liquid was discovered beside her cot. The incident was reported by her brother, Gurralla Raj Kumar, at 3:00 PM on 04.09.2022. He expressed doubts about the cause of death of his sister.

3. Heard Sri P.V. Venkata Ravi Sankar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioners submitted that the petitioner is working as a soldier in the Indian Army stationed in Kashmir, claims to have been falsely implicated in a case despite having no connection to the deceased. He further submitted that the police filed an alteration memo on 02.11.2024 and that the deceased passed away on 04.09.2022. The de-facto complainant filed a report at the Kalluru police station on the same day. The police registered the case, visited the scene, prepared the inquest panchanama, and sent the body for autopsy. The petitioner claims to have never visited Kalluru or Khammam District, and that he has been staying in Kashmir since 2013 due to his military service. The RFSL report states that the cause of death was cardio-pulmonary arrest due to asphyxia caused by organophosphate poisoning. The petitioner argues that there is no evidence against him, and that the police registered a false case based solely on the report of the de-facto complainant. Therefore, he 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 allegations leveled against the petitioner are serious in nature. If the petitioner is released on

pre-arrest bail, at this stage, he may tamper with the evidence and may threaten the witnesses. Therefore, he prayed the Court to dismiss the criminal petition.

6. Upon consideration of the submissions made by both the learned counsel and a review of the material available on record, this Court notes that the complaint lodged by the de facto complainant makes no mention of the relationship between the petitioner and the deceased. Furthermore, there is no additional information on record establishing such a relationship. Given the facts and circumstances of the case, and considering that the material part of the investigation is completed, this Court deems it appropriate to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Kalluru Police Station, Khammam District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. 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.

- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 29.01.2025
SAI

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