

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION Nos.739 & 741 of 2025

COMMON ORDER:

These Criminal Petitions are filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.8 and 9, respectively, in Crime No.09 of 2024 of CCS Police Station, Khammam District.

2. The brief facts of the case are that a complaint was filed by Neeru Gattu Venkata Aditya, CEO of DCCB Bank, against 12 accused persons. The accused allegedly obtained gold loans by pledging spurious gold ornaments from the District Cooperative Central Bank LTD, Khammam, between 04.07.2024, and 07.11.2024. The total amount due is Rs.29,32,197/-.

3. Heard Sri Baglekar Akash Kumar, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioners submitted that the allegations leveled against the petitioners are false and baseless and they are falsely implicated in the subject crime. He further submitted that the investigation is substantially completed, with witness statements recorded, minimizing the risk of witness tampering and that the allegations against the petitioners are based on the confession of co-accused, which is inadmissible in law. The petitioners argues that the charges of cheating and criminal breach of trust cannot coexist, as held by the Supreme Court in **Delhi Race Club v. State of U.P.**¹ Learned counsel contended that the FIR lacks evidence of intention to cheat, dishonest misappropriation, and breach of trust, making the charges under Sections 318(4), 316(2), and 420 unsustainable. Therefore, he prayed the Court to grant pre-arrest bail to the petitioners by allowing these criminal petitions.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the allegations leveled against the petitioners are serious in nature. If the petitioners are released on pre-arrest bail, at this stage, they may tamper

¹ (2024) 10 SCC 690

with the evidence and may threaten the witnesses. Therefore, he prayed the Court to dismiss these criminal petitions.

6. Upon careful consideration of the submissions made by both the learned counsel and a thorough review of the material available on record, this Court finds that the petitioners have been charged for the offences under Sections 318(4), 316(2) read with 3(5) of the Bharatiya Nyaya Sanhita (BNS), which prescribe a maximum punishment of less than seven (7) years. Furthermore, a perusal of the allegations reveals that the petitioners' sole involvement is in selling imitated gold ornaments as a means of livelihood, and that they sold a single bracelet to Accused No.4. Except that there are no specific allegations against the petitioners. In light of these circumstances, this Court deems it appropriate to grant pre-arrest bail to the petitioners subject to the following conditions:

- i. The petitioners shall surrender before the Station House Officer, CCS 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.15,000/- with two sureties, for the like sum each.

- ii. The petitioners 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 petitioners 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, these Criminal Petitions are allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 29.01.2025
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