

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.771 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 No.2 in Crime No.697 of 2024 of Vemulawada Town Police Station, Rajanna Sircilla District.

2. The brief facts of the case are that on 22.12.2024, at 9:15 am, Head Constable G. Srinivas Reddy of Vemulawada Town Police Station lodged a complaint stating that while on patrol duty with PC G. Ramesh, they attempted to stop a sand-loaded Swaraj tractor bearing No.TS23 A 3206 at Nandi Kaman Chowrastha, but the driver escaped. The tractor was later stopped at Marupaka at 8:30 am, and the driver, accused No.1 Lokini Thirupathi, failed to produce valid documents or permission to transport the sand. During interrogation, Thirupathi confessed to stealing sand and transporting it for sale, allegedly at the instruction of the

owner of the tractor, accused No.2. The police seized the tractor and took Thirupathi into custody.

3. Heard Sri D. Raghavendar Rao, 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 petitioner submitted that the complaint alleges that the tractor of the petitioner was involved in illegal sand transportation, but the petitioner claims that he is innocent and has not committed any offence. Despite the invoked provisions being non-cognizable offences, the police are attempting to arrest the petitioner without following due process of law. He further submitted that the petitioner has already filed an anticipatory bail petition, which was dismissed, and now fears arrest and potential mistreatment. Further, the petitioner is willing to cooperate with the investigation, furnish suitable security, and abide by any conditions imposed by the court to avoid irreparable loss and hardship. 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. This Court, having considered the submissions of both the learned counsel and reviewed the material on record, the primary contention of the learned counsel for the petitioner is that that the petitioner are not the owner of the subject tractor and have no connection to the alleged offence. The petitioner has been falsely implicated in the case. In support of this claim, the petitioner has produced the registration certificate of the subject vehicle, which clearly identifies accused No.1 is the owner. Considering the facts and circumstances of the case, 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, Vemulawada Town Police Station, Rajanna Sircilla 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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