

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1533 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.4 in Crime No.32 of 2025 of Vemulawada Town Police Station, Rajanna Sircilla District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 15.01.2025, de facto complainant filed a written complaint at the police station, stating that his workers, Durgam Shankariah and Yeskuri Rajendar, were beaten by some youths in Bhagavantha Rao Nagar Street, who mistakenly assumed they were thieves. The victims were taken to the hospital, and Naveen later identified the attackers as Nagesh, Rajesh, Harshad, and Manjunatha, and requested action as per law.

3. Heard Sri Shaik Shareef, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of respondent - State.

4. Learned counsel for the petitioner submitted that the allegations against the petitioner are false and vague, and that he was not present at the scene of the incident. He further submitted that the police implicated him as accused No.4 without conducting any preliminary inquiry. He contended that the deceased, Rajendar, had a history of fits, which likely caused his fall, but the police falsely implicated the petitioner. The petitioner, a student preparing for higher studies, has been in jail since January 21, 2025, and their future and career will be ruined if they are not released on bail. He further contended that the investigation is completed and the petitioner is not involved in the alleged offence. Therefore, he 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 bail petition stating that the allegations leveled against the petitioner are serious in nature. Further, at this stage, granting of bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, this Court finds that the petitioner was arrested on January 21, 2025. According to the prosecution, the petitioner and other accused attacked the deceased, mistakenly believing they were thieves. The pending test identification parade is not a sufficient reason to deny the bail. Considering the petitioner as student, this Court deems it fit to grant bail to the petitioner subject to following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Vemulawada.
- 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).
 - iv. The petitioner shall co-operate with the Investigation for Test Identification Parade.
7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 18.02.2025
SAI

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