

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1531 of 2025

ORDER:

Seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 to 7 in Crime No.151 of 2024 of Gudihathnoor Police Station, Adilabad District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 21.12.2024 during the Gudihathnoor Police Patrolling, it is found that the accused persons besides trespassing into the house of one Chattla Poshetty, also damaged the house articles by setting fire to the said house. Hence, a case was registered vide Crime No.151 of 2024 before the Gudihathnoor Police, Adilabad District, for the offences punishable under Sections 191(2), 132, 109 333, 191(2), 324(4) read with 190 of the BNS and Section 3 of the PDPPA.

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

4. Learned counsel for the petitioners *firstly* submitted that the petitioners are innocent and they are no way concerned with the alleged offences. He *secondly* submitted that though there is no corroborative evidence, the petitioners were implicated in the case with false and fabricated allegations. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioners is unnecessary. He *fourthly* submitted that the petitioners have been in judicial custody since 28.12.2024, causing undue hardship to their families. He *fifthly* submitted that the petitioners are residents of Adilabad District, with movable and immovable properties, and are willing to furnish sureties as directed. He *lastly* submitted that previously, bail applications of the petitioners, vide Crl.M.P.Nos.42, 43,44 and 61 of 2025 was dismissed by the Principal District Judge at Adilabad, on 28.01.2025, without valid reasons and prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the investigation is not yet completed,

therefore, granting bail to the petitioners, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, it is apparent that there is no incriminating evidence to prove the alleged offences and except Section 109 of the BNS, the punishment prescribed for all other offences alleged against the petitioners is less than seven (07) years. Hence, since the petitioners are languishing in jail from 28.12.2024 and also material part of investigation is completed, this Court deems it fit to grant bail to the petitioners subject to the following conditions:

- i. The petitioners 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 learned Judicial Magistrate of First Class, Boath, Adilabad District.
- ii. The petitioners 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 petitioners 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 allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 07.02.2025
SAI

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