

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1560 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.277 of 2024 of Bijinapally Police Station, Nagarkurnool, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 24.11.2024, the deceased informed the *de-facto* complainant that he, along with accused No.1-wife, was going to Gopalpet from their agricultural land. It is stated that on the very faithful day, at about 12:10 hours, the *de-facto* complainant, through phone call, came to know that the deceased was found dead in KLI canal in the vicinity of Shainipally village, Bijinapally Mandal. Hence, a case was registered *vide* Crime No.277 of 2024 before the Bijinapally Police, Nagarkurnool, for the offences punishable under Section 194 of the BNSS. Later, during the course of investigation, it is came to the *limelight* that accused No.1 having developed illicit relationship with accused No.2, hatched a plan to eliminate her husband i.e., the deceased and murdered the deceased with the help of other accused. Therefore, the Police altered the Section of law under Sections 103(1), 238 read with 3(5) of the BNS.

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

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and she is no way concerned with the alleged offences. She *secondly* submitted that the petitioner is not having any illicit relationship with accused No.2, she was implicated in the case with false and fabricated allegations only to harass her. She *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. She *fourthly* submitted that the petitioner is mother of minor children and she has been in judicial custody since 29.11.2024, causing undue hardship to her family. She *fifthly* submitted that petitioner is resident of Nagarkurnool District, with movable and immovable properties, and is willing to furnish sureties as directed. She *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.109 of 2025 was dismissed by the Principal Sessions Judge, Nagarkurnool, on 30.01.2025, without valid reasons and 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 submissions made by the learned counsel for the petitioner stating that the investigation is not yet completed, therefore, granting bail to the petitioner, 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 initially case was registered under Section 194 of the BNSS and later alleged that accused No.1 having developed illicit relationship with accused No.2, hatched a plan to eliminate her husband i.e., the deceased and murdered the deceased with the help of other accused and altered the Section of law under Sections 103(1), 238 read with 3(5) of the BNS without there being any incriminating evidence. Hence, since the petitioner is languishing in jail from 29.11.2024 and also material part of investigation is completed, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner 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 Additional Judicial First Class Magistrate at Nagarkurnool.

- 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).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 12.02.2025
gms

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