

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.1754 of 2025

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.07 of 2025 of Central Crime Police Station, Hyderabad.

2. The brief facts of the case are that the *de facto* complainant, Director of Mobitech Creations Pvt. Ltd., reported a case of misappropriation against Beemannolla Shankarappa, head of his after-sales service center in Hyderabad. An ex-employee tipped off the company that Shankarappa was selling new OnePlus phones to third parties, prompting an investigation. Upon verification, it was discovered that 550 OnePlus mobile phones, worth approximately Rs. 2 crores, were missing from the inventory. Shankarappa denied knowledge of the missing phones. Jain requests immediate action to investigate, recover the missing phones, and take necessary action against Shankarappa.

3. Heard Sri Narendar Jalli, learned counsel appearing on behalf of the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is a law-abiding citizen with no criminal record, operating a mobile phone sales and service business in Himayathnagar for 20 years. He further submitted that the petitioner has been misled by accused No.1, the Branch Manager, who supplied mobile phones with invoices, and deny any involvement in the alleged offence. He further submitted that the petitioner is willing to cooperate with the Police and abide by any reasonable conditions imposed by the Court. The petitioner also suffers from health issues, including blood pressure, sugar, and heart ailments, which would be exacerbated by police custody. Therefore, prayed this Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned

counsel for petitioner, stating that the allegations leveled against the petitioner are serious in nature. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. After considering the submissions made by both learned counsel and reviewing the material available on record, the Court finds that the petitioner is arrayed as accused No. 2, is alleged to have conspired with accused No.1 and purchased mobile phones without receipts. However, *prima facie*, Section 338 of the BNS does not apply to the petitioner. Further, 15 witnesses have been examined and the material part of the investigation is completed, the Court deems it fit to grant pre-arrest bail to the petitioner subject to compliance of the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Central Crime Police Station, Hyderabad, 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: 14.02.2025
SAI

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