

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1769 of 2025

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting of pre-arrest bail to the petitioner/accused No.4 in Crime No.153 of 2023 of Mahankali Police Station, Hyderabad.

2. The brief facts of the case are that on 28.08.2023, when the *de-facto* complainant returning to his office after collecting delivery parcels, near CTC lane, some unknown persons obstructed his way and stolen the collected delivery parcels by beating him mercilessly. Hence, a case was registered *vide* Crime No.153 of 2023 before the Mahankali Police, Hyderabad, for the offences punishable under Section 392 read with 34 of the IPC.

3. Heard Sri G.Chandra Mohan, 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 he is no way concerned with the alleged offences. He *secondly* submitted that though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that except omnibus allegations, there are no specific allegations against the petitioner. He *fourthly* submitted that no other criminal antecedents are pending against the petitioner. He *fifthly* submitted that the petitioner is resident of Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously bail application of the petitioner *vide* Crl.M.P.No.192 of 2025 was dismissed by the Special Judge for Trial of Offences under SC/STs(POA) Act-Cum-VI Additional Sessions Judge, Secunderabad, without valid reasons and prayed the Court to grant anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor submitted that the investigation is not yet completed, therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the submissions made by both the parties and a perusal of the material placed on record, *prima facie*, it is apparent that without there being any incriminating evidence, the petitioner was implicated in the case. It is noteworthy that except omnibus allegations, there are no specific allegations levelled against the petitioner. It is pertinent to note that no other criminal cases are pending against the petitioner and also material part of the investigation is completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of Mahankali Police Station, Secunderabad, 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 appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 10 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. 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.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 21.02.2025
gms

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