

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1759 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.05 of 2025 of Chityal Police Station, Jayashankar Bhupalpally District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the deceased erected hut in the said land beside his house. It is stated that on 13.01.2025, while measuring the said land, the accused persons abused the deceased in filthy language, due to which, the deceased committed suicide. Hence, a case was registered *vide* Crime No.05 of 2025 before the Chityal Police, Jayashankar Bhupalpally District, for the offences punishable under Section 108 read with 3(5) of the BNS.

3. Heard Sri. J.Purnachandra Reddy, 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 all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 17.01.2025, causing undue hardship to his family. He *fifthly* submitted that the petitioner never abetted the deceased to commit suicide and the said land belongs to government. He *sixthly* submitted that the petitioner is resident of Jayashankar Bhupalpally District, 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.35 of 2025 was dismissed by the Principal Sessions Judge, Jayashankar Bhupalpally, 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 except stating that the accused persons abused the deceased for erecting hut in the said land, there is no incriminating evidence to prove the alleged offences levelled against the petitioner. Hence, since the petitioner is languishing in jail from 17.01.2025 and also material part of the 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 Principal Judicial First Class Magistrate at Bhupalpally.
- 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: 14.02.2025
gms

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