

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2034 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.1041 of 2024 of Chaitanyapuri Police Station, Rachakonda, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the accused persons besides beating the *de-facto* complainant mercilessly, they also tried to kill him by keeping the grudge over him. It is stated that previously, the *de-facto* complainant filed a case against the accused *vide* Crime No.268 of 2023 as accused No.1 beaten the *de-facto* complainant on his head using beer bottle. Hence, a case was registered *vide* Crime No.1041 of 2024 before the Chaitanyapuri Police, Rachakonda, for the offences punishable under Section 109 read with 3(5) of the BNS.

3. Heard Sri Sanjeeva Reddy Garlapati, 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 24.12.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Suryapet 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.129 of 2025 was dismissed by the II Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, on 03.02.2025, 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 omnibus allegations, there are no specific allegations levelled against the petitioner and there is no incriminating evidence to prove the alleged offence. Hence, since the petitioner is languishing in jail from 24.12.2024 and no charge sheet is filed till today, 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 IV Additional Metropolitan Magistrate-Cum-IV Additional Junior Civil Judge, Cyberabad, Ranga Reddy District at L.B.Nagar.
- 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: 19.02.2025
gms

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