

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2024 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.947 of 2024 of Kushaiguda Police Station, Rachakonda, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the marriage of *de-facto* complainant and accused No.1 was solemnized on 05.12.2024. From the day of the marriage, accused No.1, along with other accused, besides harassing the *de-facto* complainant mentally and physically, also threatened her with dire consequences for want of additional dowry. Hence, a case was *vide* Crime No.947 of 2024 before the Kushaiguda Police, Rachakonda, for the offences punishable under Sections 109, 85 of the BNS and Sections 3 and 4 of D.P. Act.

3. Heard Sri. K.Buchi Babu, 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 only to harass the petitioner. He *thirdly* submitted that the averments of the complaint do not constitute the offences under Section 109 of the BNS. He *fourthly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fifthly* submitted that the petitioner has been in judicial custody since 29.01.2025, causing undue hardship to his family. He *sixthly* submitted that the petitioner is resident of Telangana State, 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.47 of 2025 was dismissed by the I Additional Sessions Judge, Medchal Malkajgiri District at Kushaiguda, on 10.02.2025, 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 there are serious allegations against the petitioner and also 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 averments of the complaint do not constitute alleged offence under Section 109 of the BNS. It is noteworthy that there is no incriminating evidence to prove the alleged offences levelled against the petitioner. Hence, since the petitioner is languishing in jail from 29.01.2025 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 II Additional Junior Civil Judge-Cum-II Additional Judicial First Class Magistrate, Medchal Malkajgiri District at Kushaiguda.

- 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

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