

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2761 of 2025

ORDER:

Seeking the Court to enlarge the petitioners in Crime No.18 of 2024 of Railway Protection Force (RPF), Khazipet Warangal District, on pre-arrest bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 07.11.2024, a theft memo was received regarding missing OHE copper wire from the OHE/Construction store in Jammikunta. Approximately 500 kgs of copper wire, valued at Rs.4,50,000/-, was stolen. Local police apprehended two individuals, seized the stolen wire, and registered a case vide FIR No.376 of 2024 on 30.10.2024. A separate case vide Crime No.18 of 2024 was also registered by IPF/KZJ.

3. Heard Sri T.S. Anirudh Reddy, learned counsel appearing on behalf of the petitioners, as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State and Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India for respondent No.2.

4. Learned counsel for the petitioners submitted that the petitioners are the sub-contractors of Jayant Infratech Pvt. Ltd., and they are innocent and falsely implicated in a case involving the theft of 500 kgs of copper worth Rs.4,50,000/-. He further submitted that the petitioners completed their work and deposited a security amount of Rs.96,00,000/-, with Rs.54,00,000/- still pending clearance. A case was registered against unknown persons, and later, three individuals were apprehended and charged. The petitioners received a summons from the Railway Protection Force (RPF) and cooperated, producing relevant documents. They fear arrest and seek relief, citing that the alleged offences carry a penalty of less than seven years' imprisonment and that transferring the case to the railway police without an order for further investigation is illegal. Therefore, he prayed the Court to grant pre-arrest bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor and learned Deputy Solicitor General of India appearing on behalf of respondent No.2 vehemently opposed the submissions made by learned counsel for petitioners, stating that the allegations leveled against the petitioners are serious in nature.

At this stage, granting of pre-arrest bail to the petitioners does not arise. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. In light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that two crimes were registered for the same incident. The learned counsel for the petitioners specifically contends that they have been falsely implicated, as there is no direct evidence linking them to the theft, and they have fully cooperated with the investigation. They have also deposited a significant security amount, demonstrating financial credibility, and the alleged offences carry a punishment of less than seven years, making custodial interrogation unnecessary. Furthermore, the petitioners are not named as accused in Crime No.18 of 2024, and the Railway Police has only issued summons to them, leading to their apprehension of arrest. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioners subject to the following conditions:

- i. The petitioners shall be released on bail in the event of arrest on furnishing personal

bond of Rs.25,000/- with two sureties, for the like sum each to the concerned Investigating Officer.

- ii. The petitioners 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.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 04.03.2025
SAI

K. SUJANA, J

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