

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3284 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners, who are arrayed as accused Nos.2 and 3, seeking bail in Crime No.47 of 2025 of Alwal Police Station, Cyberabad, for the offences punishable under Sections 103, 329(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri P.Praveen Kumar, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1-State.

3. The case of prosecution in brief is that on 15.01.2025 at 00-30 hours the *de facto complainant* filed complaint in Alwal Police Station stating that her son Pradeep and a girl named Satvika are in love and Satvika guardian by name Vivekananda, who has a grudge against them, went to their house on 14.01.2025 at 20-30 hours in his car with a can of kerosene, entered into their house and shouted as 'where is your son?' and poured kerosene/petrol on her and her husband Prakash

and when she tried to close the door, accused No.1 kicked the door with his foot, lit a match and threw it on her husband, which set her husband on fire. Then she went to the next door of the house. Immediately their landlord went there and tried to catch Vivekananda, but he escaped from there and the *de facto* complainant poured water on her husband and called 108 ambulance and took him to Gandhi Hospital, where he was admitted and was undergoing treatment. Their neighbour's daughter aged about 4 years old child was also got burns on her legs and back.

4. Learned counsel for the petitioner submitted that the petitioners have not committed any offence as alleged against them and they were falsely implicated in this crime. He further submitted that the ingredients of Section 103 of the BNS are not attracted to the petitioners and entire allegations are levelled against accused No.1 only. He further submitted that the petitioners were arrested on 15.01.2025 and since then they are in judicial custody.

5. He also submitted that entire investigation is completed except filing of charge sheet. Moreover, the petitioners are ready to cooperate with the investigation and abide by the

conditions, which are going to be imposed by this Court. He further submitted that the petitioners are not involved in any other crime. Therefore, he prays to release the petitioners on bail.

6. On the other hand, learned Additional Public Prosecutor opposed the bail stating that the petitioners have committed a grave offence and the investigation is not yet completed. Therefore, the petitioners are not entitled for granting bail. He has not disputed that there are no other cases pending against the petitioners.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners were arrested on 15.01.2025 and since then they are in judicial custody. According to learned counsel for the petitioner, entire allegations are levelled against the accused No.1 only. Further the petitioners are not involved in any other case. Considering the said facts and circumstances, this Court is inclined to grant regular bail to the petitioners on the following conditions;

- i) The petitioners/accused Nos.2 and 3 are enlarged on bail on each of them executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand

only) with two sureties for a like sum each to the satisfaction of the X Additional Metropolitan Magistrate at Medchal, Cyberabad.

- ii) The petitioners/accused Nos.2 and 3 shall appear before the concerned S.H.O. at 11-00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioners/accused Nos.2 and 3 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C. (presently 482(2) of BNSS).

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 12.03.2025
pgp