

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3002 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.2 in S.C.No.16 of 2023 on the file of the Senior Civil Court, Kumuram Bheem, Asifabad District in Cr.No.29 of 2017 of Sirpur Urban Police Station, KB Asifabad, registered for the offences punishable under Sections 420 and 306 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of prosecution, in brief, is that the complainant lodged a complainant stating that her husband Mr.Sk. Mahithab, lent money to four individuals, including the complainant's brother and two vehicle brokers, and they failed to return the said amounts. Due to financial stress, the petitioner's husband committed suicide by consuming pesticide on

27.09.2017. Basing on the said complaint, a case was registered in Crime No.44 of 2025.

3. Heard Sri M.Laxman Rao, learned counsel for petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submits that Crime No.29 of 2017 was registered for the offence under Sections 420 and 306 of IPC basing upon the complaint lodged by complainant. The petitioner is not aware about the registering of the above said crime and he did not receive any notice or information from the Investigation Officer. Investigation Officer filed charge sheet against the accused Nos.1, 3 and 4 on 28.09.2017 wherein it is specifically mentioned that the petitioner is absconded though the petitioner is not absconded and the Investigating Officer has not filed charge sheet against the petitioner/accused No.2.

5. Learned counsel for the petitioner further submits that the petitioner came to know about the

pendency of the above criminal case only on 02.02.2025. He further submits that the petitioner is ready and willing to cooperate with the investigation and also, he will abide by the conditions, which are going to be imposed by this Court.

6. *Per contra*, learned Assistant Public Prosecutor submits that the petitioner is absconding since 2017 and now, filed the present criminal petition seeking anticipatory bail and hence, prayed to dismiss the petition.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the Investigating Officer filed charge sheet in Cr.No.29 of 2017 on 28.09.2017 against accused Nos.1, 3 and 5 and the same was numbered as S.C.No.16 of 2023. The said case is pending on the file of the Senior Civil Court, Kumuram Bheem, Asifabad District and the

Investigating Officer has not filed charge sheet against the petitioner/accused No.2.

8. Taking into consideration of the facts and circumstances of the case, this Court is of the considered view that petitioner/accused No.2 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.2 shall surrender before the Station House Officer, Sirpur Urban Police Station, KB Asifabad District on or before 18.03.2024, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties, for the like sum each.
2. The petitioner/accused No.2 shall appear before the concerned SHO 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.

3. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.03.2025
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