

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3280 of 2025

ORDER:

The Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.2 in Crime No.1 of 2025 of Central Crime Station, Hyderabad, registered for the offences punishable under Sections 409, 420, 467, 468, 471 r/w. 120-b of IPC of EOW Team-V, Hyderabad.

2. The case of the prosecution, in brief, is that the de-facto complainant filed complaint on 11.12.2024 against the petitioner and other accused stating that the accused abused the de-facto complainant using filthy language and they are doing fraudulent activities, due to that, she suffered financial loss of Rs.1,52,48,06/- and an estimated cost of Rs.5 to 6 crores in loss of immovable properties. Basing on the said complaint, Police registered the case in Cr.No.1 of 2025.

3. Heard Sri Avadesh Narayan Sanghi, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the present crime without his involvement/committing any criminal act. He further submitted that initially, the Investigating Officer issued 41(A) notice against accused No.1. He further submits that without following the mandatory procedure prescribed under Section 35(7) of BNSS, arrested the petitioner on 10.02.2025 and since then, she is in jail and the same is contrary to law. He further submitted that the petitioner is house wife, aged about 65 years and suffering with old age ailments. The complaint lodged by the de-facto complainant is purely civil in nature and with an intention to harass the petitioner; the Police implicated the petitioner as accused.

5. Learned counsel for the petitioner further submits that the petitioner is ready and willing to cooperate with the Investigating Officer to conclude the investigation and also abide by the conditions, which are going to be imposed by this Court.

6. *Per contra*, learned Additional Public Prosecutor submitted that the provisions in the crime registered against the petitioner are above seven years and the Police rightly followed the provision of Section 35(7) of BNSS. He further submitted that the investigation is under progress and at this stage, the petitioner is not entitled for grant of bail. Therefore, he prayed the Court to dismiss the criminal 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 petitioner is women and crossed 65 years and she was arrested on 10.02.2025 and since then, she is in jail.

8. Taking into consideration of the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to the petitioner/accused No.2, subject to the following conditions:

- (i) The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of XII

Additional Chief Judicial Magistrate,
Nampally, Hyderabad.

(ii) 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.

iii) The petitioner/accused No.2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 12.03.2025
LPD

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