

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3208 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking bail to the petitioner/accused No.1 in Crime No.76 of 2025 of Hayathnagar Police Station, Rachakonda Commissionerate, registered for the offences under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS) Section 14 of the Foreigner Act, 1946 and Section 12(1)(d) of the Passports Act, 1967.

2. Heard P. Manoj, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for the respondent-State.

3. The brief facts of the case are that on 17.01.2025 at 16.00 hours, the Sub Inspector of Police, Hayathnagar Police Station, received a credible information from LW.2 that one foreigner was present in the Chaithra Oyo Lodge at Hayathnagar and the said foreigner stated that if LW.2 provides Rs.5,00,000/- original currency, he will give Rs.10,00,000/- of fake currency. On receipt of the said information, he went to the spot along with his staff and panchas and noticed that one foreigner was present at room No.108, Chaithra Oyo Lodge, Hayathnagar. The police after completion of

confession-cum-seizure panchanama, brought the foreigner to the Police Station along with seized property.

4. Learned counsel for petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the crime. The ingredients of Section 318(4) of the BNS, Section 14 of the Foreigner Act, 1946 and Section 12(1)(d) of the Passports Act, 1967, are not applicable to the facts and circumstances of the case. The petitioner was arrested on 17.01.2025 and since then he was in judicial custody. He further submitted that the Investigating Officers have not filed charge sheet even after expiry of statutory period. Hence, the petitioner is entitled for grant of bail.

5. Learned Additional Public Prosecutor has not disputed that the Investigating Officers have not filed charge sheet even after expiry of statutory period. He submitted that the petitioner has committed grave offence and if the bail is granted to the petitioner, the conditions as stipulated by the High Court of Karnataka, at Benaluru, in the case of **Babul Khan and Others v. State of Karnataka and Another**¹ be imposed upon the petitioner.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on

¹ CrI.P.No.6578 of 2019

record, it reveals that the petitioner is in judicial custody since 17.01.2025. It is not in dispute that even after expiry of statutory period, the Investigating Officers have not filed charge sheet. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Additional Public Prosecutor that in similar circumstances, this Court in CrI.P.No.12275 of 2024 allowed the bail application pursuant to the principle laid down in Babu Khan supra, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the XIV Additional Metropolitan Magistrate at Hayathnagar.
- ii. The trial Court is hereby directed that, at the time of releasing of the petitioner on bail, the Competent Authorities shall be informed to detain him in any of the Detention Centers in Hyderabad or at any place nearby Hyderabad City, till the trial is concluded.
- iii. It is also made clear that, under Section 3(2) of the Foreigners Act, if the Competent Authority feels that, by means of imposing restrictions on the movements of the petitioner by taking bond with or without surety for the observance or as an alternative to the enforcement of any of the prescribed or specific restrictions or conditions can control their movements, such orders may be passed by the Competent Authority with intimation to the Court.

- iv. The petitioner shall not indulge in hampering or tampering the prosecution witnesses and he shall be made available to the Court on all the future hearing dates unless he is exempted by the Court for any genuine reasons or cause.
 - v. The petitioner, however, shall not leave the jurisdiction of the trial Court without prior permission till the case registered against him is disposed of.
 - vi. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
 - vii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
7. With the above observations, the Criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 17.03.2025

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