

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3252 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.7 in Crime No.55 of 2021 of Ramakrishnapur Police Station, Mancherial District, registered for the offences under Sections 120 and 120(B) read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 10, 13, 18, 18(b) of the Unlawful Activities (Prevention) Act, 1967.

2. Heard Mr. A. Dasharatha, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondents – State.

3. The brief facts of the case are that the ACP, Bellampalli received reliable information that the petitioner has participated in a meeting conducted at the house of accused No.1 in November, 2020. Since then, he has strengthened the party ideology by joining youth in Singareni Karmika Samakya (SIKASA) & CPI (Maoist). During patrolling, the police apprehended the petitioner near RK 1 mine while he was under suspicious circumstances and the police searched him and found some handwriting documents, literature,

pamphlets and booklets relating to banned organizations of SIKASA & CPI (Maoists) and recorded the confession and seizure panchanama.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the present crime. The ingredients of Sections 120 and 120(B) read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 10, 13, 18, 18(b) of the Unlawful Activities (Prevention) Act, 1967 are not applicable to the facts and circumstances of the case. Basing upon the confession statement given by the other accused, the name of the petitioner was included in the present crime. He further submitted that accused Nos.1 to 3 were already enlarged on bail. The petitioner is aged about 73 years old and he is suffering with old-age ailments. The petitioner was arrested on 08.07.2024 and since then he has been in judicial custody. In this case, the police have not filed charge sheet even after expiry of statutory period. The petitioner has not been involved in any crime. The petitioner is ready to abide the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that he has not disputed about granting of bail in favour of accused Nos.1

to 3 and also not disputing that the petitioner is not an accused in any other crime and also not filing charge sheet even after expiry of statutory period. He further submitted that the petitioner has committed grave offence and the investigation is not yet completed. However, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that this Court granted bail to accused Nos.1 to 3, *vide* CrI.P.No.5075 of 2021 dated 13.07.2021. 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 age of the petitioner, this Court is inclined to grant bail to the petitioner/accused No.7 subject to the following conditions.

- (i) The petitioner shall be released on bail on executing a personal bond for a sum of Rs.10,000/-(Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge, Mancherial.
- (ii) The petitioner 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 the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- (ii) The petitioner shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

7. Accordingly, 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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