

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.3242 AND 3256 of 2025

COMMON ORDER:

These two Criminal Petitions are filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.4 and 5, respectively, in Crime No.168 of 2024 of Police Station C.I.D., TG, Hyderabad, registered for the offences punishable under Sections 370(3), 420, 467, 419 and 120-B of the Indian Penal Code, 1860 and Section 24(1)(b)(g) of the Emigration Act,1983 (for short 'the Act').

2. The case of the prosecution, in brief, is that on 14.03.2024, at 11:30 hours, the de-facto complainant lodged a report before the Karimnagar-I Town Police Station stating that accused Nos.1 and 2 took an amount of Rs.2,95,000/- from him by promising that they would arrange Visa and provide a job at Malta, Europe country and entered into an agreement. On 16.06.2023, the de-facto complainant was sent to Europe, but no job was provided to him as promised by A1 and A2. He stayed there for five months and

returned without job. Similarly, A1 and A2 had taken Rs.3,18,000/- from another victim-Sunil Kumar for the same purpose. The complainant approached A1 and A2 and asked them to refund the amount, but they bluntly refused to return the amount and thus, they cheated the complainant.

3. Heard Sri Yemmiganur Soma Srinath Reddy, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have approached this Court and filed the Criminal petition i.e., CrI.P.No.13649 of 2024 for grant of anticipatory bail in the very same crime namely Cr.No.168 of 2024 and this Court was pleased to allow the said Criminal Petition and this Court, on 26.11.2024, granted anticipatory bail with certain conditions. Thereafter, the petitioners filed application I.A.No.1 of 2025 seeking extension of time for surrendering petitioners before the concerned police station and execute the personal bond and the said application was ordered on 05.02.2025 and extended time up to 28.02.2025. In the meantime, the petitioners were arrested in

another crime namely Cr.No.40 of 2024 of Khanapur Police Station, Nirmal District. At this juncture, the petitioners approached this Court and filed Crl.P.No.2513 of 2025 and 2545 of 2025 for grant of regular bail. This Court allowed the said petitions on 27.02.2025 and granted bail. While the things stood thus, the Police sought permission to issue PT warrant against the petitioners in Cr.No.168 of 2024 and Police executed the PT warrant pursuant to the orders passed by the VI Additional Chief Judicial Magistrate, Nampally, Hyderabad.

5. Learned counsel for the petitioners vehemently contended that inspite of brought to the notice of the granting of anticipatory bail to the concerned authorities, arrested the petitioners by executing PT warrant and the same is contrary to the orders passed by this Court in Crl.P.No.13649 of 2024.

6. Learned counsel for the petitioners further submits that the petitioners are 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.

7. Learned Additional Public Prosecutor for the respondent-State submits that though this Court granted anticipatory bail in favour of the petitioners on 26.11.2024, they have not surrendered before the concerned Police Station and not complied with the conditions. Hence, the police rightly executed the P.T.Warrant. Therefore, he prayed the Court to dismiss the criminal petition.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners initially approached this Court and filed Criminal Petition i.e., CrI.P.No.13649 of 2024 for grant of anticipatory bail in the event of their arrest in the very same crime i.e., Cr.No.168 of 2024 and this Court allowed the said criminal petition on 26.11.2024 with the following conditions...

“i) The petitioners/accused Nos.4 and 5 are directed to surrender before the Station House Officer, CID Police Station, T.G. Hyderabad, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five

Thousand Only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

ii) The petitioners/accused Nos.4 and 5 shall abide by the conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhitha, 2023 and shall appear before the Investigation Officer as and when their presence is required.”

9. Learned counsel for the petitioner placed the copy of the docket order dated 05.02.2025 in I.A.No.1 of 2025 in I.A.No.1 of 2024 in CrI.P.No.13649 of 2024 before this Court during the course of hearing.

10. The record further reveals that the petitioners were arrested in another crime No.40 of 2024 of Khanapur Police Station, Nirmal District. Thereafter, the petitioners have approached this Court and filed CrI.P.Nos.2545 of 2025 and 2513 of 2025 for grant of regular bail and the said petitions were allowed on 27.02.2025. However, police arrested the petitioners pursuant to PT warrant issued in Cr.No.40 of 2024.

11. It is relevant to place on record that this Court was already granted anticipatory bail in favour of the petitioners on 26.11.2024 in Cr.No.168 of 2024.

12. 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 petitioners/accused Nos.4 and 5, subject to the following conditions:

(i) The petitioners/accused Nos.4 and 5 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only), each with two sureties for a like sum each to the satisfaction of VI Additional Chief Judicial Magistrate, Nampally, Hyderabad.

(ii) The petitioners/accused Nos.4 and 5 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.

iii) The petitioners/accused Nos.4 and 5 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

13. 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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