

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3372 of 2025

ORDER:

This criminal petition is filed by the petitioner/Accused under Section 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking regular bail in S.C.No.54 of 2024 on the file of the Principal District and Sessions Judge, Narayanpet.

2. Heard Sri Ambedkar Dunna, learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. Learned counsel for the petitioner submits that the petitioner is an accused in S.C.No.54 of 2024 for the offence punishable under Section 304-II IPC. When the matter is posted before the Court below on 19.02.2025, the petitioner did not attend and requested his counsel to file an adjournment application. Due to non-filing of the said application by his counsel, the Court below issued non-bailable warrant (NBW) on the same day. Learned counsel further submits that the petitioner filed an application under Section 70(2) of Cr.P.C., seeking recall of NBW, but the Court below has not considered

the same and on the other hand, the police have taken him into judicial custody on 25.02.2025 by executing NBW and since then, he is in jail. The petitioner is eking out his livelihood as a driver and unless he is enlarged on bail, he will be put to irreparable loss and hardship.

4. Learned Additional Public Prosecutor submits that the petitioner has to appear before the Court below whenever his physical presence is required.

5. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 25.02.2025 by executing NBW, which was issued on 19.02.2025 for his non-appearance before the Court below, and since then he is in judicial custody.

6. Taking into consideration the facts and circumstances of the case and that the petitioner was in judicial custody since 25.02.2025, this Court is inclined to grant bail to the petitioner on the following conditions:

(1) The petitioner/Accused is enlarged on bail on his executing a personal bond for a sum of Rs.5,000/- (Rupees Five Thousands only) with two sureties for a like sum each to the satisfaction of the Principal District and Sessions Judge, Narayanapet, Narayanapet District.

(2) After release, the petitioner shall appear before the said Court in S.C.No.54 of 2024 regularly.

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

7. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 13.03.2025
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