

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3577 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.1 and 2 in Crime No.134 of 2025 on the file of the P.S. Nirmal Town, Nirmal, registered for the offences punishable under Sections 108 r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 19.02.2025, the deceased committed suicide by consuming insecticide poison at Nirmal Bus Stand, due to harassment and abetment made by petitioners. Basing on the same a case was registered in Crime No.134 of 2025.

3. Heard Mr.K.Ajay Kumar, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that petitioners have not committed alleged offence and they were falsely implicated in the said crime. He further submitted that the ingredients of offence under Section 108 r/w 3(5) of BNS are not attracted. He further submitted that the petitioners were arrested on 20.02.2025 and since then they are in jail and they are ready to cooperate with the investigation and also ready to abide the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that specific allegations are leveled against the petitioners/accused Nos.1 and 2 and investigation is under progress and at this stage, the petitioners are not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioners were arrested on 20.02.2025 and since then they are in jail and as per remand report, 10 witnesses were examined.

7. 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.1 and 2, subject to the following conditions:

(i) The petitioners/accused Nos.1 and 2 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 Additional Judicial First Class Magistrate at Nirmal.

(ii) The petitioners/accused Nos.1 and 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 petitioners/accused Nos.1 and 2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 18.03.2025
vsl