

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3602 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.5 seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.23 of 2025 of Dabeerpura Police Station, Hyderabad, registered for the offence punishable under Sections 309(6) r/w 3(5) of Bharatiya Nyaya Sanhita (BNS).

2. Heard Mr. Md. Fasiuddin, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondents.

3. The case of the prosecution is that on 11.02.2025 at about 9:00 hours, the Station House Officer, Dabeerpura Police Station, received a complaint from the complainant stating that he is an ola bike rider and on 08.02.2025 at about 23:00 hours, he dropped a passenger at Borabanda, purchased

a beer from a wine shop, proceeded towards his home *via* Azampura and in the midnight at about 1:00 a.m., he stopped his vehicle near Seven Temple to drink the beer and in the meanwhile, four unknown persons aged between 22 to 30 years stopped him, asked his whereabouts and demanded for money by threatening to kill him. The complainant handed over an amount of Rs.5,000/-, but those persons took his ATM card and by taking his pin number, withdrew a further amount Rs.3,000/- from the ATM and also took away his OPPO mobile phone and returned the sim to him and fled away. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused No.5 and others for the aforesaid offences.

4. Learned counsel for the petitioner/accused No.5 submits that the petitioner was not present at the time of commission of the alleged offence and he was falsely implicated in the aforesaid crime. He further submitted that when the police

registered the crime on 11.02.2025, the name of the petitioner was not mentioned as accused in the FIR. However, based on the confession statement made by other accused in the aforesaid crime, the name of the petitioner was shown as accused in the remand case diary. He further submitted that the petitioner is an intermediate student and prays to grant anticipatory bail to him as he is ready to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by the Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is in progress and if the petitioner/accused No.5 is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Heard learned counsel for the parties and perused the record. Even according to the learned Additional Public Prosecutor, the petitioner is not involved in any other crime.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5 subject to the following conditions:

- (i) Petitioner/accused No.5 is directed to surrender before the Station House Officer, Dabeerpura Police Station, Hyderabad on or before 29.03.2025;
- (ii) On such surrender, the Station House Officer of Dabeerpura Police Station, Hyderabad, shall release the petitioner/accused No.5 on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.5 shall appear before the Station House Officer, Dabeerpura Police Station, Hyderabad, on every Monday at 11:00 a.m., for a period of eight weeks

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for the purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) Petitioner/accused No.5 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 24.03.2025
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J.SREENIVAS RAO, J