

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3969 of 2025

ORDER:

This criminal petition is filed by the petitioner/A2 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) for grant of regular bail in PRC No.4 of 2025 of Balapur Police Station, registered for the offence punishable under Sections 103(1) and 85 read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS).

2. The case of the prosecution is that on 15.11.2024 at about 21:30 hours the complainant filed the complaint stating that his elder sister Rajina Begum was married to Zahed Hussain in the presence of elders and she was three months' pregnant as on the date of complaint. On 14.11.2024 at about 05:30 hours when the complainant's mother Raaju Begum got up to go to bathroom, she heard loud noises from his sister's house and immediately, she went there and saw that the husband of the complainant's sister is trying to kill his sister by tying Punjabi dress pant thread to her throat and when her mother screamed, he

ran away from there and his sister was unconscious on the bed. Immediately, his mother came to house and informed him, his father and the surrounding people about the incident, upon which all of them rushed and shifted his sister to Owaisi Hospital for treatment and that on 15.11.2024 at 20:00 hours she was shifted to Osmania General Hospital for better treatment. Basing on the said complaint, a case in Crime No.432 of 2024 was registered for the above said offences.

3. Heard Sri Muqeeth Ahmed, learned counsel representing Sri S.M. Hussain, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that even according to the allegations made in the complaint as well as the remand case diary, no specific allegations were leveled against the petitioner to attract the ingredients of Section 103(1) of BNSS and that the entire allegations were

leveled against Accused No.1 only. He further submits that the entire investigation is completed and the petitioner was arrested on 18.11.2024 and since then he is in judicial custody and that the petitioner is ready and willing to cooperate with the investigation, if any, and also abide by the conditions that are going to be imposed by this Court. He further submits that the petitioner is a native of Myanmar country and migrated to India and illegally residing at Balapur. He further submits that in similar circumstances, this Court taking into consideration the principles laid down by the Hon'ble Apex Court in **Babul Khan and others vs. State of Karnataka and another**¹ disposed of CrI.P.No.12275 of 2024 on 05.12.2024 by granting bail to the petitioner therein.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and therefore, the petitioner is not entitled for grant of bail. He further submits that the investigation was completed and charge sheet was filed on 16.01.2025 and the same

¹ CrI.P.No.6578 of 2019

was numbered as PRC.No.4 of 2025 of P.S. Balapur, and is pending on the file of I Additional Junior Civil Judge-cum-additional Judicial Magistrate of First Class, Rachakonda at L.B. Nagar.

6. 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 18.11.2024 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, investigation was completed and charge sheet was filed and the same was numbered as PRC.No.4 of 2025 and is pending on the file of I Additional Junior Civil Judge-cum-additional Judicial Magistrate of First Class, Rachakonda at L.B. Nagar.

7. Taking into consideration the facts and circumstances of the case and the law laid down by the Hon'ble Apex Court in **Babul Khan's case** (supra), this Court is inclined to grant bail to the petitioner on the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties for a like sum each to the satisfaction of the I Additional Junior Civil Judge-cum-Additional Judicial Magistrate of First Class, Rachakonda, L.B. Nagar.
- ii. The trial Court is hereby directed that, at the time of releasing of the petitioner on bail, the Competent Authorities shall be informed to detain him in any of the Detention Centers in Hyderabad or at any place nearby Hyderabad City, till the trial is concluded.
- iii. It is also made clear that, under Section 3(2) of the Foreigners Act, if the Competent Authority feels that, by means of imposing restrictions on the movements of the petitioner by taking bond with or without surety for the observance or as an alternative to the enforcement of any of the prescribed or specific restrictions or conditions can control his movements, such orders may be passed by the Competent Authority with intimation to the Court.

- iv. The petitioner shall not indulge in hampering or tampering the prosecution witnesses and he shall be made available to the Court on all the future hearing dates unless he is exempted by the Court for any genuine reason or cause.
 - v. The petitioner however, shall not leave the jurisdiction of the trial Court without prior permission till the case registered against him is disposed of.
 - vi. The petitioner 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.
 - vii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
8. Accordingly, the criminal petition is allowed.
- Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 26.03.2025
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