

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3974 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 petitioner/accused No.6 in Crime No.6 of 2025 on the file of Musheerabad Police Station, Hyderabad, registered for the offences punishable under Section 310(2) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 06.01.2025, the petitioner along with other accused committed dacoity and took away 3 grams gold chain and net cash of Rs.4,500/- from the *de-facto* complainant. Basing on the same a case was registered in Crime No.6 of 2025.

3. Heard Mr.M.V.Subba Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the

said crime. He further submitted that in the complaint, it is stated that only four persons were involved in the offence. He further submitted that initially crime was registered for the offences punishable under Section 309(6) of BNS and later on evidence collected on the record, Police filed alteration memo and added Section 310(2) of BNS and the ingredients under Section 310(2) of BNS are not attracted against the petitioner. He further submitted that the petitioner is student and pursuing his intermediate studies and he was arrested on 09.01.2025 and since then he is in judicial custody. He further submitted that the petitioner is ready to cooperate with the investigation and also ready to abide by 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 petitioner has committed grave offence and the investigation is under progress. He further submitted that Police have filed application before the concerned Magistrate to conduct test identification parade for petitioner and other accused and the said application is pending and if the said application is allowed by the

concerned Magistrate, the petitioner has to appear for Test Identification Parade.

6. By way of reply, learned counsel for the petitioner submitted that the petitioner will appear for Test Identification Parade, whenever required.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is a student and he was arrested on 09.01.2025 and since then he is in judicial custody and he is not involved in any other crime.

8. 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 petitioner/accused No.6, subject to the following conditions:

(i) The petitioner/accused No.6 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of XVII Additional Chief Metropolitan Magistrate at Hyderabad.

(ii) The petitioner/accused No.6 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks, commencing from 07.04.2025 or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) The petitioner/accused No.6 shall appear for Test Identification Parade, in the event if the application filed by the Police is allowed by the concerned Magistrate.

(iv) The petitioner/accused No.6 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 26.03.2025

vsl