

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4518 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to, as 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.001 of 2025 of Malakpet Police Station, Hyderabad, registered for the offence under Sections 108, 115(2) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The brief facts of the case are that on 01.01.2025, the brother of the deceased lodged a complaint stating that due to abatement of the petitioners, who are son and wife of the deceased, his brother committed suicide by hanging himself to ceiling fan in his house. Basing on the same, Crime No.001 of 2025 was registered.

3. Heard Mr.B.Sudhakar Reddy, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the present crime and he did not commit any offence. He further submitted that even according to the allegations made in the complaint, the offence under Section 108 of BNS is not attracted against the petitioner and the entire allegations are levelled against accused No.2, who is the wife of the deceased. He further submitted that the petitioner was arrested on 27.01.2025 and since then he is in judicial custody and accused No.2 was arrested on same day along with the petitioner and she was enlarged on bail. He further submitted that entire investigation is completed and the investigation officer has not filed charge sheet even after expiry of statutory period and the petitioner is ready to abide by the conditions, which are going to be imposed by this Court and he will cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and the investigation is under progress. Hence, at this stage, the petitioner is 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 the petitioner was arrested on 27.01.2025 and since then he is in judicial custody and accused No.2 in the said crime was already enlarged on bail. It is not in dispute that the investigation officer has not filed the charge sheet even after expiry of statutory period.

7. Taking into consideration the said facts, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions.

- (i) The petitioner/accused No.1 shall be released on bail on executing 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 the VII Additional Judicial Magistrate at Nampally, Hyderabad.
- (ii) The petitioner/accused No.1 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- (ii) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

J. SREENIVAS RAO, J

Date:04.04.2025

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