

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4547 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.09 of 2025 of Nallakuta Police Station, registered for the offence under Sections 318(4), 338, 336(3), 340(2) and 319(2) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The brief facts of the case are that on 09.01.2025, the *de-facto* complainant lodged a complaint, stating that he is doing business in the name of Luxury Enterprises Interior Designing Work, Services & Miscellaneous works. In the year 2021, he applied GST and allotted vide GST No. 36CXBPM9146D12F and he is going business for 10 lakhs rupees per year. On 22.11.2024 superintendent of Central Tax, GST department sent a Notice that in April 2020-March 2021 Rs.35,14,000/- and Rs.6,32,520/- GST Tax amount has to be paid. On enquiry, it revealed that he has not done any business in the year. He came to known that by using his GST and E-way bills approximately 274 E-way bills were raised and created for an amount of Rs.1,48,38,146/- which

comes to GST Tax up to rupees 35 lakhs has to be paid. For that bills furniture were sent in 50 different autos and supplied to various places and 10 items in each trip were sent. Basing on the same, Crime No.09 of 2025 was registered.

3. Heard Mr.Mohammed Abdul Kalam Siddiqui, 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 the allegations made by the *de-facto* complainant in the complaint pertains to the year 2021-2022, however complaint was lodged on 09.01.2025 and the punishment prescribed for the offence under Section 338 of BNS is below seven years. He further submitted that the petitioner was arrested on 11.03.2025 and since then he is in judicial custody. He further submitted that the entire investigation is completed, except filing of charge sheet 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 11.03.2025 and since then he is in judicial custody. According to the learned Additional Public Prosecutor no criminal antecedents are reported against the petitioner and 10 witnesses were already examined.

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.50,000/-(Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the IV Additional Chief 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

vsl