

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4740 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 petitioners/accused Nos.1 to 3 in Crime No.64 of 2025 on the file of the P.S. Sanathnagar, Cyberabad, registered for the offences punishable under Section 103(1) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution in brief is that on 28.01.2025, the *de-facto* complainant lodged a complaint against the petitioners, alleging that on 26.01.2025, at about 4:58 pm, while he was driving auto his brother-in-law called him on his phone and informed him that petitioners beat him under Fathenagar bridge and immediately *de-facto* complainant went to Fathenagar and took his brother-in-law to ESI hospital and he informed to the *de-facto* complainant that while he was going under Fathenagar bridge on his auto near Methodist Church, while auto is slow, petitioners came in bullet bike from backside and dashed his auto and stopped

his auto and beaten him with hands. Basing on the same, a case was registered in Crime No.64 of 2025.

3. Heard Mr.G.Jithender Reddy, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the offence and they were falsely implicated in the above crime. He further submitted that initially the above crime was registered for the offence under Section 118(1) of BNS. Later on evidence collected on the record, Police filed alteration memo and added Section 103(1) r/w. 3(5) of BNS. He further submitted that the incident was taken place on 26.01.2025 and the complaint was lodged on 28.01.2025, without explaining any reasons for delay and the deceased died on 30.01.2025. He further submitted that the victim died due to ill health and he was suffering from Type-II diabetes and the investigating officers have not recorded any statement of the deceased, while he was alive and after his death only they started investigation. He further submitted that petitioners were arrested on 01.02.2025 and since then they were in judicial custody and they

are not having any other criminal antecedents. He further submitted that the petitioner No.1/accused No.1 is studying intermediate, petitioner No.2/accused No.2 is a final-year B.Com student studying at Avinash College, KPHB, which is affiliated with Osmania University and petitioner No.3/accused No.3 has completed his Intermediate education. He further submitted that entire investigation is completed, except filing of charge sheet and petitioners are 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 petitioners/accused Nos.1 to 3 have committed grave offence and the investigation is under progress and at this stage, the petitioners are 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 petitioners were arrested on 01.02.2025 and since then they were in judicial custody. The record further discloses that petitioner No.1/accused No.1 is studying intermediate and according to the Hall Ticket issued by the

Osmania University, the Final Year B.Com examinations are going to be held in the month of April-May 2025. Even according to the learned Additional Public Prosecutor, 18 witnesses were already examined and petitioners/accused Nos.1 to 3 are not having any other criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.1 to 3, subject to the following conditions:

(i) The petitioners/accused Nos.1 to 3 shall execute a personal bond for a sum of Rs.30,000/-(Rupees Thirty Thousand only) each with two sureties for a like sum each to the satisfaction of XII Additional Metropolitan Magistrate (XII A.J.M.F.C.) at Kutkatpally.

(ii) The petitioners/accused Nos.1 to 3 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, if the petitioners/accused Nos.1 to 3 committed any other offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in their favour.

(iv) The petitioners/accused Nos.1 to 3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 16.04.2025

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