

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4850 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.4, seeking anticipatory bail in Crime No.862 of 2024 of Shamirpet Police Station, Cyberabad Commissionerate registered for the offences punishable under Sections 105 and 238 read with Section 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr. C.Vishwanath, learned counsel for the petitioner/accused No.4 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 08.12.2024 at about 09:00 hours, the complainant, who is a women constable of Shamirpet Police Station, lodged a complaint to the effect that while performing patrolling, she received a call from one

Pothigari Yella Reddy and she rushed to the spot at Ponnala Village and observed that Sai Man Power Private Limited Company had taken contract lease of agricultural land of Godrej Agromet Company in the outskirts of Ponnala village and planted sorghum for seed production and without prior permission, electric wires were installed to prevent entry into the farm and on 08.12.2024 at about 00:10 hours, an unknown man, aged 40-45 years, got electrocuted while crossing the farm and died on the spot. Based on the said complaint, the aforesaid crime was registered against the accused.

4. Learned counsel for the petitioner submitted that the petitioner/accused No.4 has not committed any offence and he was falsely implicated in this crime and he is only an employee of Sai Man Power Private Limited and the entire allegations are levelled against accused Nos.1 to 3, who were deputed as Security Guards and there are no specific allegations against the petitioner to attract the ingredients of Sections 105 and 238

read with Section 3(5) of BNS and THE entire investigation is completed except filing of charge sheet. He further submits that the petitioner is having small children and old aged parents and he is the sole bread winner of the family and he is not having any criminal antecedents and he be granted anticipatory bail as he is ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court. He also submitted that accused Nos.1 to 3 in the aforesaid crime were already arrested and released on bail.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed a grave offence and the investigation is under progress and if the petitioner is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and to interfering with the investigation and prays to dismiss the criminal petition.

6. Having considered the rival submissions made by learned counsel for the respective parties and after perusal of the material available on record, it reveals that accused Nos.1 to 3 were already released on bail. The record further reveals that the petitioner is an employee in Sai Man Power Private Limited and he is not having any criminal antecedents. According to the learned Additional Public Prosecutor, LWs.1 to 17 were already examined.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.4, subject to the following conditions:

- (i) Petitioner/Accused No.4 is directed to surrender before the Station House Officer, Shamirpet Police Station, Cyberabad Commissionerate, on or before 22.04.2025;
- (ii) On such surrender, the Station House Officer, Shamirpet Police Station, Cyberabad Commissionerate, shall release the petitioner/accused No.4 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees

Fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused No.4 shall appear before the Station House Officer, Shamirpet Police Station, Cyberabad Commissionerate, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) Petitioner/accused No.4 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused No.4 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 15.04.2025
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J.SREENIVAS RAO, J