

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4942 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.3 under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking anticipatory bail in Crime No.199 of 2024 on the file of Kalapathar Police Station, Hyderabad, for the offences punishable under Sections 331(3), 305(a) and 317 r/w Section 3(5) of Bharatiya Nyaya Sanhita (BNS).

2. The case of the prosecution is that on 14.12.2024 at about 17:00 hours, the Station House Officer, Kalapathar Police Station, received a complaint from the complainant stating that on the said date at about 07:00 hours, he went out on business work and at that time, his wife, son and daughter-in-law were sleeping and at about 09:00 hours, his son also left for work and at about 13:00 hours, his wife informed him through phone that in the almyrah, various gold ornaments total weighing about 16 tulas were missing and the almyrah keys were kept in the same

place as always and they suspect that some unknown person might have entered the house through main door and committed theft. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. Mir Mukarram Ali, learned counsel for the petitioner/accused No.3 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submits that the petitioner/accused No.3 has not committed the offence as alleged by the complainant and she is falsely implicated in the present crime and the entire allegations are levelled against accused Nos1 and 2 only and they were already arrested and enlarged on bail and the entire investigation is completed except filing of chargesheet and the petitioner is 64-year-old-woman and is suffering with old age ailments and she be granted anticipatory bail as she is ready and willing to cooperate with the

investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition and submitted that the investigation is in progress and at this stage, if the petitioner is enlarged on bail, there is every chance of her influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner is aged about 64 years and she is a house wife and she is suffering from old age ailments. According to the learned Additional Public Prosecutor, as the petitioner is absconding, 16 witnesses were examined and the charge sheet was filed against accused Nos.1 and 2 only and accused Nos.1 and 2 were already arrested and enlarged on bail.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.3 subject to the following conditions:

- (i) The petitioner/accused No.3 is directed to surrender before the Station House Officer, Kalapathar Police Station, Hyderabad, on or before 23.04.2025.
- (ii) On such surrender, the Station House Officer, Kalapathar Police Station, Hyderabad, shall release the petitioner on bail on her 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 said officer.
- (iii) On such release, the petitioner/accused No.3 shall appear before the Station House Officer, Kalapathar Police Station, Hyderabad, on every Monday at 11:00 a.m., 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 for investigation.
- (iv) The petitioner/accused 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.
- (v) It is made clear that after release, if the petitioner/accused No.3 involves in similar offences, the respondent is at liberty to file an application seeking cancellation of bail.

8. Subject to the above directions, the Criminal Petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

Date: 16.04.2025
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J.SREENIVAS RAO, J