

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5178 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.2, seeking bail in Crime No.25 of 2025 of Pegdapally Police Station, Jagtial registered for the offence punishable under Sections 316(2) and 318(4) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of prosecution in brief is that on 08.02.2025, *de-facto* complainant filed a complaint stating that that he was cheated by A1 to A3, who falsely promised to provide a John Deere 5042 model tractor under the PM Kisan Yojana Scheme with a 40% subsidy through NPAS Company. He paid Rs.6,05,000/- to A1 and A2, believing the scheme was genuine, and submitted his documents. Later, L&T Finance representatives approached him for EMIs, revealing that only Rs.1,86,200/- was paid as a down payment and that no such government scheme existed. A1 to A3 misappropriated Rs.4,18,800/- for personal use. He also stated that another villager was similarly cheated for Rs.8,18,000/-, of which only Rs.2,55,000/- was used as down payment, and the rest misused. A1 to A3 by way of cheating collected total

amount of Rs.14,23,000/- out of which they paid Rs.4,41,200/- as down payment for both the tractors and remaining Rs.9,81,800/- was cheated from the complainant and another villager. Basing on the same, a case was registered in Crime No.25 of 2025.

3. Heard Mr.Ramesh Kadari, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offence and he was falsely implicated in this crime. He further submitted that initially the crime was registered for the offence under Sections 316(2) and 318(4) r/w 3(5) of BNS and the punishment prescribed for the said offence is below seven years. However, with an intention to harass the petitioner, Police included Section 111(2) of BNS, though the ingredients of Section 111(2) of BNS are not attracted against the petitioner. He further submitted that the petitioner was arrested on 17.02.2025 and since then he is in judicial custody. He further submitted that the material part of the investigation is completed, except filing of charge sheet and the petitioner is 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 opposed the bail petition and submitted that the petitioner has committed a grave offence and the investigation is not yet completed and therefore, he 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 17.02.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 7 witnesses were already examined.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.2, subject to the following conditions:

(i) The petitioner/accused No.2 shall execute 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 II Additional Judicial Magistrate of First Class at Jagtial.

(ii) The petitioner/accused No.2 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 petitioner/accused No.2 is involved in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

(iv) The petitioner/accused No.2 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: 17.04.2025

vsl