

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5060 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.3 and 4 in Crime No.23 of 2025 on the file of Kollapur Police Station, Nagarkurnool District, registered for the offences punishable under Section 312 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that the *de-facto* complainant-Mummadi Rajavardan lodged complaint with the police on 7-3-2025 at 0030 hours alleging that he along with S.Venkateshwarlu, G.Ramesh, and Raghavendra Chari, who are doing gold business went to Hyderabad in Baleno car and they bought some gold and silver. On their return to Pentlavelli village, at about 22.30 hours near Ankiraopally village limits some persons kept some stones across the road near KLI canal bridge. Upon watching stones, the complainant drove the car slowly and in the meanwhile some persons standing on both sides of the road attacked them and among them, one person took a stick (cement Dimma) and attacked on the front mirror of the car and tried to intercept

them. Basing on the said complaint, the present crime was registered for the aforesaid offences against the petitioners and other accused.

3. Heard Ms.P.Lalitha, 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 police initially registered the crime for the offence under Section 309(5) of BNS and subsequently, the same was altered to Section 312 of BNS and the petitioners have not committed any offence and they were falsely implicated in the present crime and there are no specific allegations against the petitioners to attract the ingredients of Section 312 of BNS. He further submitted that the petitioners were arrested on 15.03.2025 and since then they are in judicial custody and they are not having any other criminal antecedents. He further submitted that similar allegations are levelled against accused No.6 and he was enlarged on bail and the petitioners are also entitled for grant of bail. He further submitted that entire investigation is completed, except filing of charge sheet and petitioners are eking out their livelihood by doing private jobs. He further submitted that the 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 have committed grave offence and the investigation is under progress and at this stage if the petitioners are enlarged on bail, there is every chance to interfere with the investigation and to influence the witnesses. Hence, prayed to dismiss the criminal petition.

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 15.03.2025 and since then they are in judicial custody. The offence levelled against the petitioners is punishable with imprisonment shall not be less than seven years. Even according to the learned Additional Public Prosecutor, 10 witnesses were already examined and the petitioners are not having any other criminal antecedents.

7. Taking into consideration the said facts and circumstances, this Court is inclined to grant bail to the petitioners/accused Nos.3 and 4 subject to the following conditions;

- (i) The petitioners/accused Nos.3 and 4 shall be released on bail on each of them 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 Judicial First Class Magistrate, Kollapur.
 - (ii) The petitioners/accused Nos.3 and 4 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.
 - iii) After release, if the petitioners/accused Nos.3 and 4 indulges in similar type of offence in future, the respondent-State is entitled to file an application seeking cancellation of bail granted in their favour.
 - (iv) The petitioners/accused Nos.3 and 4 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.
- Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 21.04.2025

pgp