

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5117 of 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused No.5 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking regular bail in Crime No.117 of 2025 on the file of Station House Officer, Bhupalpally Police Station, Jayashankar Bhupalpally District, registered for the offences punishable under Sections 191(2), 191(3), 61(2), 126(2), 103(1) and 238 r/w 190 of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of the prosecution is that on 20.02.2025 at about 2:20 hours, the Station House Officer, Bhupalpally Police Station, received a complaint from the complainant to the effect that there is a civil dispute between the complainant's family and the family of accused Nos.1 and 5 regarding a land situated opposite Bhupalpally Police Station and on 19.02.2025 at about 19.00 hours, while her husband was returning to house on his motor cycle and reached near TBGKS office, accused Nos.1 to 4 came on two motor cycles, obstructed him, beat him with

iron rod on the backside of his head and stabbed him with knives on stomach. On receipt of information from her neighbours, she rushed to the hospital where her husband was taken for treatment and found him dead. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr.M.Ajay Kumar, learned counsel for the petitioner/accused No.5 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and he was falsely implicated in the above crime, basing on the confession statement given by the other accused. He further submitted that there are no allegations in the complaint to attract ingredients of Section 103(1) of BNS. He further submitted that the petitioner was arrested on 20.02.2025 and since then he is in judicial custody and he is suffering with cardiac problems. He further submitted that entire investigation is completed, except filing of charge sheet. He further submitted that similar allegations are levelled against accused Nos.1 to 4 and accused Nos.6 to 10, as

they were against petitioner/accused No.5 and they were already enlarged on bail and the petitioner is also entitled for grant of bail. He further submitted that the petitioner shall abide by the conditions, which are going to be imposed by this Court, and he is ready to cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and petitioner is the main conspirator along with accused No.8 and planned for killing of the deceased and he is involved in some other offence. He further submitted that the investigation is under progress and hence, at this stage, the petitioner is not entitled for grant of bail.

6. By way of reply, learned counsel for the petitioner submitted that some cases pending against the petitioner are ended in acquittal and some cases are compounded.

7. 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 20.02.2025 and since then he is in judicial custody. Even according to the learned

counsel for the petitioner, other accused in the said crime were already enlarged on bail and the same is not disputed by the learned Additional Public Prosecutor.

8. Taking into consideration of the above said facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.5, subject to the following conditions:

- (i) The petitioner/accused No.5 shall be released on bail on executing a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the Principal Sessions Judge, Jayashankar Bhupalapally.
- (ii) After release, the petitioner/accused No.5 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 petitioner/accused No.5 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

(iii) The petitioner/accused No.5 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS and shall cooperate with the investigation.

9. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 28.04.2025

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