

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5161 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 petitioner/accused No.2 in Crime No.163 of 2025 on the file of Alwal Police Station, Cyberabad registered for the offences punishable under Sections 329(2), 324(4), 109 and 132 r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 17.02.2025, Smt.D.Sulochana, Advocate Commissioner, Kukatpally Court lodged a complaint stating that she has been appointed as Advocate Commissioner to take physical possession of the schedule property in CrI.M.P.No.536 of 2024, as per the instructions of the Court, with order of warrant went to the property located area Hastmathpet village and reached the schedule property and came out of the place with bank and police staff and she came to know that the accused people have trespassed into the schedule property, by breaking two locks and others. Basing on the same, Crime No.163 of 2025 was registered.

3. Heard Mr.B.Ravi Chnadra, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the above said crime and in the complaint, there are no specific allegations against the petitioner to attract Section 109 of BNS. He further submitted that in respect of the very same property claimed by the Axix Bank Limited in CrI.M.P.No.536 of 2024, grandmother of the petitioner filed comprehensive suit vide O.S.No.78 of 2024 on the file of District Court, Medchal-Malkajgiri, seeking declaration, cancellation of deeds and perpetual injunction and in the said suit Axis Bank Limited was also made as party defendant No.7. He further submitted that the petitioner is a student and he is not having any other criminal antecedents. He further submitted that the petitioner was arrested on 28.02.2025 and since then he is in judicial custody and entire investigation is completed and the petitioner is ready to cooperate with the investigation, if any 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 petitioner has committed grave offence and investigating officers after conducting investigation, filed charge sheet on 25.03.2025, before the X Judicial Magistrate of First Class, Medchal, in respect of the petitioner and accused Nos.1 and 3 are absconding. Hence, the petitioner 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 is a student and he was arrested on 28.02.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, investigating officers after conducting investigation filed charge sheet in respect of the petitioner on 25.03.2025 on the file of the X Judicial Magistrate of First Class, Medchal and petitioner is not having any other criminal antecedents.

7. 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.2, subject to the following conditions:

- (i) The petitioner/accused No.2 shall be released on bail on 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 X Judicial Magistrate of First Class, Medchal.

- (ii) After release, petitioner/accused No.2 shall appear before the X Judicial Magistrate of First Class, Medchal on each and every adjournment.
- (iii) After release, if the petitioner/accused No.2 indulges in similar type of offence in future, the respondent-State is entitled to file application seeking cancellation of bail granted in his favour.
- (iv) The petitioner/accused No.2 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.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date:22.04.2025

vsl