

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5148 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.1 in Crime No.66 of 2025 on the file of the P.S. Balnagar, Medchal-Malkajgiri District, registered for the offences punishable under Section 103(1) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that that on 30.01.2025, at 8:15 am, Inspector received a complaint from police constable, regarding a dead body found near Khaitan Company Road, Balanagar. The body was discovered by a caller named Narsimha Raju, who informed the police by dialing 100. The deceased aged 35-40 years, was wearing a blue T-shirt, blue shirt, and light blue jeans, with two tattoos on his hands. He was found bleeding from his left ear, and the complainant suspected murder. Basing on the same, a case was registered in Crime No.66 of 2025.

3. Heard Mr.Sushil Kumar Pandey, 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 the petitioner was falsely implicated in the above crime, basing upon the confession statement given by the wife of the deceased only and there is no iota of evidence that petitioner committed the offence. He further submitted that even according to the allegations made in the complaint, the ingredients of Section 103(1) of BNS are not attracted against the petitioner. He further submitted that the petitioner was arrested on 01.02.2025 and since more than 91 days he is in judicial custody and entire the investigation is completed, except filing of charge sheet. He further submitted that accused Nos.2 to 4 in the said crime were already enlarged on bail and the petitioner shall abide by the conditions, which are going to be imposed by this Court, and he is ready and willing to cooperative with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner along with other accused have committed grave

offence and the investigation is under progress and, at this stage, 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 was arrested on 01.02.2025 and since more than 91 days, he is in judicial custody. Even according to the learned Additional Public Prosecutor, entire investigation is completed and accused Nos.2 to 4 in the said crime were already enlarged on bail.

7. Taking into consideration the above said facts and circumstances of the case and considering the incarceration period, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

- (i) The petitioner/accused No.1 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 III Additional District and Sessions Judge, Kukatpally, Medchal Malkajgiri District.
- (ii) After release, the petitioner/accused No.1 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.1 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.

(iv) The petitioner/accused No.1 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.

J. SREENIVAS RAO, J

Date: 02.05.2025

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