THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5280 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is arrayed as accused No.3, seeking bail in Crime No.25 of 2025 of Pegadapalli Police Station, Jagtial District registered for the offences punishable under Sections 316(2), 318(4) and 111(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of prosecution in brief is that on 05.02.2025, the *de facto* complainant filed a complaint stating that that he was cheated by the petitioner and accused Nos.1 and 2, who falsely promised to provide a John Deere tractor under the PM Kisan Yojana Scheme with a 40% subsidy through NPAS Company. He paid Rs.2,82,000/- through bank transaction and also paid an amount of Rs.3,23,000/- by way of cash to the accused persons believing that the said 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. Accused

Nos.1 and 2 and the petitioner misappropriated Rs.6,05,000/- 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 of the amount has been misused. Basing on the said complaint, Crime No.25 of 2025 was registered.

3. Heard Mr. Imran Shaahid, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner is an 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 offences under Sections 316(2) and 318(4) r/w 3(5) of the BNS and the punishment prescribed for the said offences is below seven years. However, with an intention to harass the petitioner, the police included Section 111(2) of the BNS, though the ingredients of Section 111(2) of the BNS are not attracted against the petitioner. He further submitted that the petitioner was arrested on 17.02.2025 and since then he has been 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 abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of bail.

5. 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. Therefore, 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 17.02.2025 and since then he is in judicial custody and material part of the investigation is completed, except filing of charge sheet. Even according to the learned Additional Public Prosecutor, most of the witnesses were already examined. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.3, subject to the following conditions:

(i) The petitioner/accused No.3 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.3 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.3 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.3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

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J.SREENIVAS RAO, J

Date: 22.04.2025
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