

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5573 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.7, seeking bail in S.C.No.81 of 2015, on the file of the XI Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.

2. Heard Mr.K.Ujwal Babu, learned counsel representing Mr.M.V.Hanumantha Rao, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. Learned counsel for the petitioner submitted that the petitioner is accused No.7 in S.C.No.81 of 2015 and investigating officer after conducting investigation filed charge sheet and the same was numbered as S.C.No.81 of 2015 and the same is pending on the file of the XI Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar. He further submitted that the petitioner could not appear before the said Court on 19.02.2025, due to ill health, however, his counsel filed application under Section 317 of Cr.P.C.,

seeking dispense with appearance of the petitioner and the Court below while dismissing the said application issued NBW against him. Immediately, petitioner filed application under Section 70(2) of Cr.P.C. on 04.03.2025, seeking recall of NBW and when the said application is pending for consideration, petitioner was arrested on 21.03.2025 and since then he is in judicial custody. He further submitted that the petitioner filed application vide CrI.M.P.No.88 of 2025, under Section 439 of Cr.P.C., seeking grant of bail and the Court below dismissed the said application, without properly considering the averments made in the application. He further submitted that the petitioner is ready to cooperate for disposal of S.C.No.81 of 2015 and he will appear before the said Court as and when required. Hence, prayed for grant of bail.

4. *Per contra*, learned Additional Public Prosecutor submitted that S.C.No.81 of 2015 is coming for examination and if the petitioner is released on bail, he will not appear before the Court below on each and every adjournment. Hence, prayed to dismiss the petition.

5. By way of reply, learned counsel for the petitioner submitted that petitioner will appear before the Court below on each and every adjournment and he will cooperate for disposal of S.C.No.81 of 2015.

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 could not appear before the Court below on 19.02.2025 and the petitioner filed application through his counsel, seeking dispense with his appearance and Court below dismissed the said application and issued NBW against him. Thereafter, petitioner filed application seeking recall of NBW and when the said application is pending for consideration, petitioner was arrested on 21.03.2025 and since then he is in judicial custody.

7. Taking into consideration the peculiar facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.7, subject to the following conditions:

- (i) The petitioner/accused No.7 shall execute a personal bond for a sum of Rs.15,000/-(Rupees fifteen Thousand only) with two sureties for a like sum each to the satisfaction of XI Additional

District and Sessions Judge, Ranga Reddy
District at L.B.Nagar.

(ii) On such release, the petitioner/accused No.7 shall file undertaking before the Court below that he will appear before the Court below in S.C.No.81 of 2015 on each and every adjournment and he will cooperate for disposal of the said case.

(iii) The petitioner/accused No.7 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 29.04.2025

vsl