

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5370 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.4 seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS'), in connection with Crime No.448 of 2024 on the file of Station House Officer, Pocharam I.T.Corridor Police Station, Rachakonda Commissionerate, Medchal-Malkajgiri District, registered for the offences punishable under Sections 307, 333 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The brief facts of the case are that on 23.09.2024 at about 16:15 hours, the Sub-Inspector of Police, Pocharam I.T.Corridor Police Station, received a complaint from the complainant to the effect that he does milk business and his son, who stays in USA, owns an IT consultancy company and real estate company and every month he sends cash to pay salaries to the employees and on the date of incident at about 4:35 a.m., he

went to Rohit Mill at Narapally to take milk and he closed the door as his wife was sleeping in the room and after some time, his wife informed him on phone that the doors are open and the bag containing cash of Rs.15 lakhs was missing. Basing on the said complaint, the aforesaid crime was registered.

3. Heard Mr. K.Krishna Kalyan, learned counsel for the petitioner/accused No.4 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner submitted that the petitioner/accused No.4 has not committed any offence as alleged against him and he has been falsely implicated in the crime on the basis of confession statement made by accused No.2 only and except Section 307 of the BNS, all other offences alleged against the petitioner are punishable with imprisonment of below seven years and the ingredients of Section 307 of the BNS are not attracted against the petitioner. He further submitted that accused Nos.1 to 3 and 5 to 7 in the aforesaid

crime were already enlarged on bail and the entire investigation is completed except filing of chargesheet and the petitioner is not having any criminal antecedents and prays to grant anticipatory bail to the petitioner/accused No.4 as he is ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition stating that the petitioner/accused No.4 has committed grave offence and the investigation is in progress and at this stage, if the petitioner is granted anticipatory bail, there is every chance of his influencing the witnesses and interfering with the investigation and prays to dismiss the criminal petition.

6. Having considered the rival submissions made by learned counsel for the parties and after perusal of the material available on record, it reveals that based on the complaint lodged by the *de facto* complainant, the crime was registered under Section 305 of the BNS, but later the section of law was altered to Sections

307, 333 and 61(2) of the BNS. According to the learned counsel for the petitioner, all other accused were arrested and already enlarged on bail and according to the learned Additional Public Prosecutor, 12 witnesses were already examined and the petitioner is not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail in favour of the petitioner/accused No.4 subject to the following conditions:

- (i) Petitioner/Accused No.4 is directed to surrender before the Station House Officer, Pocharam I.T.Corridor Police Station, on or before 30.04.2025;
- (ii) On such surrender, the Station House Officer, Pocharam I.T.Corridor Police Station, shall release the petitioner/accused No.4 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.4 shall appear before the Station House Officer, Pocharam I.T.Corridor Police Station, on every Monday at 11:00 a.m., for a period of eight weeks for the

purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) Petitioner/accused No.4 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused No.4 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the investigating officer for conclusion of investigation.

(vi) It is made clear that after release, if the petitioner/accused No.4 indulges in similar offences, the respondent/State is at liberty to file an application for cancellation of the bail.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 24.04.2025
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J.SREENIVAS RAO, J