

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5419 of 2025

ORDER:

This criminal petition is filed by the petitioner/A1 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking regular bail in Crime No.484 of 2025 on the file of Narsingi Police Station, Cyberabad, registered for the offence punishable under Sections 85 and 109 read with Section 3(5) of BNS.

2. The case of the prosecution is that on 12.03.2025 at 1500 hours one Balvinder Kaur filed a complaint wherein it is stated that on 19.02.2014 she married the petitioner in the presence of elders and at the time of marriage, her parents gave 10 tulas of gold, 5 grams of silver, one Unicorn bike and other household items. Thereafter, her husband, brother-in-law and mother-in-law started harassing her physically and mentally for petty issues and also threatened her to kill her 9 year old son. On 09.03.2025, at 2200 hours, her husband physically assaulted her, pressed her neck and tried to strangle her, due to which she sustained injuries. Basing on the said complaint, the present crime has been registered.

3. Heard Sri Apurva M. Gokhale, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint, the alleged incident took place on 09.03.2025, whereas the complainant lodged the complaint on 12.03.2025 without assigning any reasons for delay. He further submits that the petitioner has not committed the offence and therefore, the ingredients under Section 109 of BNS will not attract against the petitioner. He further submits that the petitioner was arrested on 19.03.2025 and since then he is in judicial custody and that he is not having any criminal antecedents. He further submits that the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and

investigation is under progress. At this stage, if the petitioner is enlarged on bail, he will interfere with the investigation and also influence the witnesses.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the incident was occurred on 09.03.2025, whereas the complaint was lodged on 12.03.2025. The petitioner was arrested on 19.03.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor 11 witnesses were examined and the petitioner is not having any criminal antecedents. The record further reveals that matrimonial disputes are pending between the petitioner and the complainant.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/A1 on the following conditions:

- (1) The petitioner/A1 is enlarged on bail on executing 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 the XIII Additional Metropolitan Magistrate, Rajendranagar.

(2) The petitioner/A1 shall appear before the concerned SHO at 11:00 A.M. on every Monday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required.

(3) After release, the petitioner/A1 shall not interfere with the investigation and also influence the witnesses.

(4) The petitioner/A1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 28.04.2025
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