

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5722 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.1, 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 08-02-2025, the de facto complainant reported to the police that A1 and A2, posing as representatives of the fictitious NAPS company, falsely promised a tractor under the PM KISAN YOJANA Scheme with a 40% subsidy. Believing them, the complainant paid Rs.6,05,000/- for a John Deere 5042 tractor worth Rs.8,50,000/- it was delivered to the de facto complainant. After some days L&T Finance approached the complainant for loan installments, revealing that NAPS was a fraudulent company and no such subsidy existed and Rs.6,05,000/- paid, Rs.1,86,200/- was used as down payment and ₹4,18,800 was misappropriated by A1 and A2. A1 to A3 also fabricated documents to falsely show that the complainant had

taken a loan. Basing on the said complaint, Crime No.25 of 2025 was registered.

3. Heard Mr.P.Prabhakar Reddy, 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.1, subject to the following conditions:

- (i) The petitioner/accused No.1 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 Junior Civil Judge-cum-Judicial Magistrate of First Class, Jagtial District.

- (ii) 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 conditions stipulated in Section 483 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 30.04.2025

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