

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5764 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.2 in Crime No.99 of 2025 on the file of the P.S. Chaderghat, Hyderabad, registered for the offences punishable under Sections 103, 238 and 249 r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 02.03.2025, the de-facto complainant filed a complaint stating that in 2017, his niece Srisha married the petitioner and lived in Malakpet, Hyderabad. At 10:10 AM, he was informed by his niece Swathi that Srisha had died of chest pain at Metro Cure Hospital, Malakpet. When he called Srisha's phone, a woman (accused No.1) informed him of her death. He asked her to stay at the hospital until he arrived, but they stopped answering calls. Later, with the help of police, he contacted the ambulance driver, who brought Srisha's body back. He suspects foul play in her death. Basing on the same, a case was registered in Crime No.99 of 2025.

3. Heard Mr.Mohammed Shuja Ullah Khan, learned counsel representing Mr.Sadia Khatoon, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the above crime. He further submitted that even according to the allegations made in the complaint, the entire allegations are levelled against accused No.1 only and the ingredients of the alleged offences are not attracted against the petitioner. He further submitted that accused Nos.1 and 3 in the said crime have approached the II Additional Sessions Judge, Hyderabad and filed CrI.M.P.No.1792 of 2025 and 1471 of 2025, for grant of bail and the learned Magistrate granted bail to them on 25.04.2025 and 09.04.2025. He further submitted that the petitioner was arrested on 05.03.2025 and since then he is in judicial custody and entire the investigation is completed, except filing of charge sheet. He further submitted that petitioner is not having any other criminal antecedents and he shall abide by the conditions, which are going to be imposed by this Court,

and he is ready and willing to cooperative with the investigation.
Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner along with other accused have committed grave offence and the investigation is under progress and, at this stage, 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 05.03.2025 and since then he is in judicial custody and accused Nos.1 and 3 in the said crime were already enlarged on bail. Even according to the learned Additional Public Prosecutor, 20 witnesses were already enlarged on bail and the petitioner is not having any other criminal antecedents.

7. Taking into consideration the above said facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.2 subject to the following conditions:

- (i) The petitioner/accused No.2 shall be released on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties

for a like sum each to the satisfaction of the VIII Additional Chief Judicial Magistrate at Hyderabad.

- (ii) After release, the petitioner/accused No.2 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, the petitioner/accused No.2 shall not influence the witnesses or interfere with the investigation.
- (iv) The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS and shall cooperate with the investigation.

8. Accordingly, the Criminal Petition is allowed.

J. SREENIVAS RAO, J

Date: 02.05.2025

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