

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5707 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.9, seeking bail in Crime No.262 of 2024 of Nalgonda II Town Police Station, Nalgonda District registered for the offences punishable under Sections 140(1), 308(4) and 127(2) of BNS.

2. The case of prosecution, in brief, is that on 12.09.2024 at 11:00 hours, the de facto complainant, the second wife of the victim came to Nalgonda Police Station had lodged a report stating that on 12.09.2024 at 10:00 hours while, she along with her husband and her mother-in-law and grand mother were present at their rented house situated at Madeena Colony, BTS, Nalgonda, meanwhile, her husband's first wife, who had already taken divorce legally along with her brother and four other members came into her house in a blue colour car, they criminally trespassed into the house and started beating her husband. On seeing the same, she, along with her mother-in-law, tried to rescue her husband from the clutches of the said persons. They also beat them and forcibly took away her husband in their car. They kidnapped him with an intention to

kill him. Basing on the said report, the above crime was registered against petitioner/accused No.9.

3. Heard Mr.G.Sundaresan, learned counsel representing Mr.B.Karthik, 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 petitioner has not committed any offence and he was falsely implicated in the above crime basing upon the confessional statement given by the other accused. Even according to the allegations made in the complaint and remand case diary, the ingredients under Sections 140(1) and 308(4) of BNS attract against the petitioner. He further submitted that the petitioner was arrested on 07.04.2025 and since then he is judicial custody. The very same allegations are levelled against accused No.8 and this Court granted bail in favour of accused No.8 in CrI.P.No.13629 of 2024 on 26.11.2024. He further submitted that accused Nos.1 and 2 were also enlarged on bail in CrI.P.No.13876 of 2024 on 27.11.2024, whereas accused Nos.3 to 6 were enlarged on anticipatory bail in CrI.P.No.13065 of 2024 on 26.11.2024. He further submitted that the petitioner is not having any criminal antecedents and 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. *Per Contra*, the learned Additional Public Prosecutor submitted that the investigation is under progress. 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 07.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor 10 witnesses were already examined. It is not in dispute that other accused Nos.1 to 6 and 8 approached this Court and this Court granted bail in favour of accused No.8 in Crl.P.No.13629 of 2024 on 26.11.2024; accused Nos.1 and 2 in Crl.P.No.13876 of 2024 on 27.11.2024; accused Nos.3 to 6 in Crl.P.No.13065 of 2024 on 26.11.2024. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.9 subject to the following conditions:

- (i) The petitioner/accused No.9 is enlarged on bail on his executing a personal bond for a sum of Rs.30,000/- with two sureties for a like sum each to the satisfaction

of the Family Court- cum-III Additional Sessions Judge, Nalgonda.

- (ii) The petitioner/accused No.9 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.9 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.9 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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