

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5796 of 2025

ORDER:

This criminal petition is filed by the petitioners/A8 and A9 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail to them in Crime No.231 of 2024 of Adilabad Rural Police Station, Adilabad District, registered for the offence punishable under Sections 61(2)(a) and 109(1) read with Section 3(5) of Bharatiya Nyaya Sanhitha, 2023 (BNS) and Section 25(1)(A) of the Arms Act.

2. The case of the prosecution is that on 21.11.2024 at about 17:00 hours, on receipt of credible information about transporting of arms and weapons illegally, the police conducting raid at the vehicles coming from Nagpur and seized Car bearing No.TS 07 JQ 9592 as the accused persons are transporting weapons illegally. Accused No.1 with the help of other accused procured the weapons and arms for killing one Srikanth Chary as he is having threat to his life because of him. Basing on the said complaint,

Crime No.231 of 2024 was registered for the above said offences.

3. Heard Sri A. Prabhakar Rao, learned counsel representing Sri M. Arun Kumar, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioners submits that the petitioners have not committed the offence and they were falsely implicated in the present crime basing on the confessional statements given by the other accused. He further submits that even according to the allegations made in the complaint and also the remand case diary, the ingredients of Sections 61(2)(a) and 109(1) of BNS are not applicable to the petitioners. He further submits that the main accused were already arrested and enlarged on bail and that the very same allegations are leveled against accused No.7 and he filed CrI.P.No.4602 of 2025 before this Court seeking anticipatory bail and this Court by order dated 08.04.2025 allowed the said petition. Therefore, the petitioners are also entitled for grant of anticipatory bail. The petitioners are not having any criminal antecedents

and they are 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 petitioners have committed grave offence and the investigation is not yet completed. At this stage, if the petitioners are granted bail, there is every chance of influencing the witnesses and also interfering with the investigation.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that accused Nos.1 to 4 were arrested and enlarged on bail and this Court also granted anticipatory bail in favour of accused No.7 in CrI.P.No.4602 of 2025 by order dated 08.04.2025. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant

anticipatory bail to the petitioners on the following conditions:

(1) The petitioners/A8 and A9 are directed to surrender before the Station House Officer, Adilabad Rural Police Station, Adilabad District, on or before 07.05.2025.

(2) On such surrender, the Station House Officer shall release the petitioners on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said officer.

(3) On such release, the petitioners/A8 and A9 shall appear before the Station House Officer, Adilabad Rural Police Station, Hyderabad, on every Monday at 11:00 a.m., 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 for investigation.

(4) After release, if the petitioners/A8 and A9 commit the very same offence, the respondent State is at liberty to file an application seeking cancellation of the bail granted by this Court.

(5) The petitioners/A8 and A9 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 investigation officer for conclusion of investigation.

8. Accordingly, the criminal petition is allowed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO, J

Date: 01.05.2025
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