

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5896 of 2025

Order:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2024 (for short 'BNSS') seeking bail to the petitioner/accused No.2 in Crime No.433 of 2024 on the file of the Malakpet Police Station, Hyderabad District, registered for the offence punishable under Section 194 of BNSS and subsequently the same was altered to Sections 318(4) and 108 of Bharatiya Nyaya Sanhita and Section 66 of the Information Technology Act.

2. The case of the prosecution is that on 24.11.2024 at 21:30 hours, elder daughter of de facto complainant committed suicide due to abetment of accused No.1 and the petitioner/accused No.2 for deceiving her and making her to invest money in fraudulent investment link to a group through telegram chat and later she realized that the amount invested by her is unrecoverable and vexed with her life, due to distress and despair taken extreme step to end her life.

3. Heard Mr. K.Ravi Kumar, learned counsel for the petitioner/accused No.2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner/accused No.2 was falsely implicated in the present crime. Even in the complaint there are no specific allegations against the petitioner/accused No.2 to attract the ingredients under Section 108 of BNS. He further submitted that initially the aforesaid crime was registered for the offence under Section 194 of BNSS, subsequently basing on the confessional statement given by the witnesses, the same was altered to Sections 318(4) and 108 of Bharatiya Nyaya Sanhita and Section 66 Information Technology Act. The petitioner/accused No.2 has not received any amount either from the deceased. He further submitted that the petitioner/accused No.2 never instigated nor provoked the victim to commit suicide. Hence, the ingredients under Section

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108 of BNS are not against the petitioner/accused No.2. He further submitted that the other offences levelled against the petitioner/accused No.2 are below 7 years. The petitioner/accused No.2 was arrested on 21.03.2025 and since then he was remanded to judicial custody on 25.03.2025. The entire investigation was completed except filing of the charge sheet. He further submitted that the petitioner/accused No.2 is ready to cooperate with the investigation and also abide by the conditions as may be imposed by this Court and prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner and accused No.1 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 learned counsel for the parties and on perusal of the material available on record, it reveals that there are no specific allegations levelled against the petitioner/accused No.2 to

attract the ingredients under Section 108 of BNS. The petitioner was arrested on 21.03.2025 and since then he was in judicial custody. Even according to the learned Additional Public Prosecutor 25 witnesses were already examined and the petitioner is not having any criminal antecedents.

7. Taking into consideration of the 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 execute a personal bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two sureties (one local surety) for a like sum each to the satisfaction of VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
- (ii) On such release, the petitioner/accused No.2 shall appear before the concerned Station House Officer 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.
- iii) The petitioner/accused No.2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

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(iv) After release, if the petitioner/accused No.2 involves in similar offence, the bail granted by this Court shall be cancelled.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 02.05.2025
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J.SREENIVAS RAO, J

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