

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION NO.6496 OF 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.2 in Crime No.118 of 2025 on the file of the Police Station Devarakonda, Mahabubnagar, registered for the offences punishable under Sections 61 (2), 109 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 20.04.2025 at about 18:00 hours the *de facto* complainant lodged a complaint stating that he contested for Member of Legislative Assembly in the year 2024 from Bharatiya Janata Party and he frequently used to visit Mahabubnagar in view of his court case, business and also to meet his friends. He came to know that some unknown persons made enquiry about his daily activities and they are planning to kill him. It is also stated that he is having previous grudges with one Naveen Kumar/accused No.2 and a criminal case is also pending. He received voice recordings pertaining to his murder. By keeping the previous grudges, petitioner/accused No.2 along with his friends were planning to kill him. He also came to know that there is a deal with one Roop Singh/accused No.1 for a supari of Rs.2,50,00,000/- for his murder.

3. Heard Mr. Rajagopallavan Tayi, learned counsel appearing for the petitioner/accused No.2 and Mr.Ganesh, learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

4. Learned counsel for the petitioner/accused No.2 contended that petitioner herein was remanded to judicial custody on 23.04.2025 and that against the petition allegations leveled do not constitute offence under Section 109 of BNS that there was no attempt on the defacto complainant and as alleged by him that the petitioner and his friends are planning to murder him. Petitioner is orthopedically handicapped person and he is trying to commit an offence does not arise and hence he prays this Court to grant bail to the petitioner.

5. Learned Additional Public Prosecutor on instructions would submit that the complaint was lodged basing on the calls made in between the accused No.1 and accused No.2. Accused No.2 offered money to accused No.1 as supari for killing the *defacto* complainant and the same conversation was recorded posted in YouTube, and hence he prays to dismiss the petition.

6. Having considered the rival submissions made by learned counsels for respective parties and after perusal of the entire material available on record without going into the aspect of whether

the allegations levelled against the petitioner/accused No.2 would attract the offences alleged against or not; consider the fact that the petitioner/accused No.2 is in judicial custody since 23.04.2025 and as per the remand case diary, it shows that the prosecution has examined the material witnesses i.e., LWs.1 to 7, who were the material witnesses and the petitioner/accused No.2 is not having any other criminal antecedents, 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 his executing 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 the III Additional District and Sessions Judge, Mahabubnagar. On furnishing such sureties, the same shall be sent for verification as to their genuineness and thereafter issue the release order.
- (ii) After release, the petitioner/accused No.2 shall appear before the concerned S.H.O. at 11.00 a.m. on first and third Sunday of every month 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.2 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.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.
7. Accordingly, the Criminal Petition is allowed.
- Miscellaneous applications, pending if any, shall stand closed.

JUSTICE NARSING RAO NANDIKONDA

Date: 14.05.2025
CHS