

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION NOS.6497 & 6498 OF 2025

COMMON ORDER:

These two Criminal Petitions are filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.9, 12, 19, 26, 32 and 33 in Crime No.45 of 2025 on the file of SHO, Noothankal Police Station, Suryapet District, registered for the offences punishable under Sections 249, 189 (2), 191 (2), 191 (3), 61 (2), 103 (2) r/w. Section 190 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 17.03.2025 at about 16:00 hours the *de facto* complainant lodged a complaint stating that accused Nos.1 to 31 formed into an unlawful assembly armed with deadly weapons i.e., axes and sticks way laid while the deceased was coming to the house from his agriculture land, attacked on him and beat him to death due to political rivalry.

3. Heard Mr. C.Hari Preeth, learned counsel appearing for the petitioners/accused Nos.9, 12, 19, 26, 32 and 33 and learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

4. Learned counsel for the petitioners contended that though the names of the petitioners were mentioned in the complaint, there is

no role played by the petitioners and that false allegations were levelled against them. He further argued that the petitioners are innocent persons and they are nothing to do with the said offence. He further stated that accused Nos.9, 12, 19, 26, 32 and 33 are kept in judicial custody for more than 40 days from their arrest i.e., on 24.03.2025, 25.03.2025, 26.03.2025 and 28.03.2025 respectively and the allegations made against the petitioners do not constitute any offence under Sections 249, 189 (2), 191 (2), 191 (3), 61 (2), 103 (2) r/w. 190 of the Bharatiya Nyaya Sanhitha, 2023.

5. Learned Additional Public Prosecutor, on instructions would submit that if the accused persons are released on bail they may tamper the witnesses and he further argued that the petitioners hatched a plan to murder the deceased and that there are serious allegations leveled against petitioners and hence he prays to dismiss the petition.

6. Having considered the rival submissions made by learned counsel for respective parties and after perusal of the entire material available on record and without going into the aspect whether the allegations levelled against the petitioners would attract to consider or not, but considering the fact that the petitioners/accused Nos.9, 12, 19, 26, 32 and 33 are in judicial custody since 24.03.2025 and as per the remand case diary, it shows that the prosecution has

examined the material witnesses i.e., LWs.1 to 17, who are the material witnesses and the petitioners/accused Nos.9, 12, 19, 26, 32 and 33 are not having any other criminal antecedents, this Court is inclined to grant bail to the petitioners/accused Nos.9, 12, 19, 26, 32 and 33 subject to the following conditions:

- (i) The petitioners/accused Nos.9, 12, 19, 26, 32 and 33 shall be released on bail on 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 Judicial First Class Magistrate Court at Thungathurthy. 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 petitioners/accused Nos.9, 12, 19, 26, 32 and 33 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 petitioners/accused Nos.9, 12, 19, 26, 32 and 33 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in their favour.

- (iv) The petitioners/accused Nos.9, 12, 19, 26, 32 and 33 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., and shall cooperate with the investigation.
7. Accordingly, these Criminal Petitions are allowed.
- Miscellaneous applications, pending if any, shall stand closed.

JUSTICE NARSING RAO NANDIKONDA

Date: 14.05.2025
CHS