

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6546 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.6, seeking bail in Crime No.244 of 2025 of Moinabad Police Station, Cyberabad, registered for the offence punishable under Section 310(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution in brief is that the complainant, who earns his livelihood by dismantling buildings and selling the scrap or working as a commission agent, was approached by Umar Farooq, a friend from his grandfather's village on 23.04.2025 at 9:00 AM. Umar proposed a joint investment in dismantling a farmhouse in Moinabad, with the complainant contributing Rs.15 lakhs and Umar Rs.10 lakhs. They agreed to meet at Chandrayangutta at 12:00 PM, where the complainant handed over Rs.15 lakhs in cash. Umar introduced a broker named Ajay. The complainant, Umar, and Sohail Akthar then proceeded on a Yamaha FZ (Reg. No. TS 11 EL 0936) towards

Qutubuddinguda village. Ajay joined them en route in a white car, claiming the farmhouse was nearby. Around 1:00 PM, while they were at the gate of the farmhouse, six unknown assailants arrived on two bikes and a car. They threatened the group and forcibly took the bag containing Rs.25 lakhs. One of the accused, linked to H.No.7-28, Qutubuddinguda Village, Moinabad Mandal, Ranga Reddy District, confessed to the crime, providing details of the incident and disclosing that he sustained an injury below his right knee while escaping. Basing on the same, a case was registered in Crime No.244 of 2025.

3. Heard Mr.D.Ambedkar, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offence and he was falsely implicated in this crime, basing upon the confession statement given by the other accused and the Police have not recovered any amount from the petitioner, hence, the ingredients of Section 310(2) of BNS are not attracted against the petitioner. He further submitted that the petitioner was arrested on 24.04.2025 and since then he is in

judicial custody and entire investigation is completed, except filing of charge sheet. He further submitted that similar allegations are levelled against accused Nos.5 and 7 in the said crime, as they were against petitioner/accused No.6 and the III Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar granted bail in their favour. He further submitted that the petitioner is not having any other criminal antecedents and he is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress and if the petitioner is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

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 24.04.2025 and since then he is in judicial custody. According to the learned counsel for the petitioner, accused Nos.5 and 7 in the said crime were already released on bail and

the same is not disputed by the learned Additional Public Prosecutor. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents and 14 witnesses were already examined.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.6 subject to the following conditions:

(i) The petitioner/accused No.6 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the XII Additional Judicial Magistrate of First Class at Rajendranagar.

(ii) The petitioner/accused No.6 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of six (6) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, if the petitioner/accused No.6 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.6 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:11.06.2025

vsl