

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6623 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.111 of 2025 on the file of the P.S.Mills Colony, Warangal registered for the offences punishable under Sections 61(2), 126(2), 109(1) and 238 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that the de-facto complainant lodged a complaint stating that, his son is a General Physician and running a clinic near the Water Tank, Kazipet. His son resides on rent near Green Pond School, Hunter Road, with his wife. On 20-02-2025, around 9:30 hrs., while returning from his clinic in his car, unidentified persons stopped him and assaulted him on the head, causing serious bleeding injuries. Locals found him unconscious and sent him to MGM Hospital. The complainant rushed to the hospital and found his son in an unconscious state. Basing on the same a case was registered in Crime No.111 of 2025.

3. Heard Mr.M.Prashant Kumar, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint, the entire allegations are levelled against accused No.2 only and the ingredients of 109(1) of BNS are not attracted against the petitioner and the punishment prescribed for the other offences is below seven years. He further submitted that the petitioner was arrested on 27.02.2025 and since then he is in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that accused Nos.2 and 3 in the said crime were already enlarged on bail. He further submitted that the petitioner is not having any other criminal antecedents and he is ready to abide by the conditions, which are going to be imposed by this Court and he will cooperate with the investigation. Hence, the petitioner may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed a grave offence and there are specific

allegations levelled against him to attract the ingredients of Section 109(1) of BNS and in the remand case diary, the investigation officer specifically mentioned the role of the petitioner. He further submitted that the victim sustained injuries 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 27.02.2025 and since then he is in judicial custody. According to the learned counsel for the petitioner, accused Nos.2 and 3 in the said crime were already enlarged on bail and the same was not disputed by the learned Additional Public Prosecutor. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the above said facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

(i) The petitioner/accused No.1 shall execute 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 IV Additional Judicial Magistrate of First Class, Hanmakonda.

(ii) After release, the petitioner/accused No.1 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of four (4) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, petitioner/accused No.1 shall not influence the witnesses or interfere with the investigation.

(iv) After release, if the petitioner/accused No.1 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in her favour.

(v) After release, the petitioner/accused No.1 shall surrender his passport before the concerned Court and if he is not having

passport, he shall file sworn affidavit before the concerned Court.

(vi) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 480 (3) of BNSS.

8. Accordingly, the Criminal Petitions are allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 19.06.2025
vsl