

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.6683 OF 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused No.1 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in Crime No.67 of 2025 on the file of Gudimalkapur Police Station, Hyderabad, registered for the offence punishable under Section 109(1) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), wherein the petitioner is arrayed as accused No.1.

2. Heard Sri T. Sudhakar, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 05.04.2025 at 2.30 hours at Dragon Fast Food Centre, located at Moghal Ka Nala, Gudimalkapur, Hyderabad, the petitioner and other accused with common intention attempted to commit murder of L.W.1 E. Dinesh @ Dinnu.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. Even according to the allegations made in the complaint, the ingredients under Section

109(1) read with Section 3(5) of the BNS are not attracted against the petitioner. The petitioner has sustained injuries in the hands of the victim and the petitioner was arrested on 05.05.2025 and since then he is in judicial custody. He further submits that very same allegations were leveled against the accused Nos.2 and 3 and they were arrested on 05.04.2025 and were enlarged on bail. However, the criminal antecedents mentioned in the Remand Case Diary against the petitioner is concerned, the petitioner was acquitted in all the cases and as on today no other criminal cases are pending against the petitioner except the present crime and the petitioner is eking out his livelihood by doing a private job as driver and his entire family is depending on his income and the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and the investigation is under progress and at this stage, if the petitioner is enlarged on bail, he will interfere with the investigation and also influence the witnesses. Hence, he prays to dismiss this criminal petition.

6. Having considered the rival submissions made by the respective parties and on perusal of the material available on

record, it reveals that in all the other cases the petitioner was acquitted except the present crime. It further reveals from the record that very same allegations were leveled against accused Nos.2 and 3 and they were arrested on 05.04.2025 and were enlarged on bail, the petitioner was arrested on 05.05.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 16 witnesses were already examined and custodial interrogation of the petitioner is not required.

7. Taking into consideration the 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 be enlarged on bail on his executing 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 satisfaction of learned XVI Additional Chief Judicial Magistrate, Nampally, Hyderabad.

(ii) On such release, the petitioner/accused No.1 shall appear before the concerned investigating 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) 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 his favour.

(iv) The petitioner/accused No.1 shall not interfere with the investigation or influence the witnesses.

(vi) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

J.SREENIVAS RAO, J

Date: 13.06.2025

PSW