

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6709 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.6 in Crime No.86 of 2019 on the file of the P.S.Sirikonda, Nizamabad, registered for the offences punishable under Sections 143, 147, 148, 427, 436 and 452 r/w 149 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of the prosecution in brief is that on 20.10.2019, Ajmeera Rishitha, wife of Ajmeera Thirupathi, committed suicide by hanging. Suspecting foul play by Thirupathi's family, accused Nos.1 to 15, despite resistance from locals, trespassed into his house, damaged the clay roof tiles, sprinkled petrol, and set the house on fire. Upon seeing the gathering crowd, they fled the scene.

3. Heard Mr.Soma Ravi Kiran Reddy, learned counsel representing Mr.B.Yadaiah, 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 was arrayed as accused No.6 in Crime No.86 of 2019 on the file of the P.S.Sirikonda, Nizamabad and the investigation officer issued notice under Section 41-A of the Cr.P.C./Section 35(3) of BNSS to the petitioner and recorded his statement. He further submitted that thereafter, the petitioner went abroad, and during his absence, the Investigating Officer completed the investigation and filed a charge sheet, which was initially numbered as PRC No.11 of 2021 and later renumbered as PRC No.07 of 2022. In the said case, the Sessions Judge, Nizamabad, issued a Non-Bailable Warrant (NBW) against the petitioner for non-appearance. The petitioner returned to India on 10.04.2025 due to his mother's ill health, and on the same day, the police executed the NBW, he was produced before the Sessions Judge, Nizamabad, and was remanded to judicial custody. He further submitted that the petitioner is ready and willing to appear before the concerned Court in PRC No.07 of 2022 as and when required. He further submitted that the petitioner is eking out his livelihood by doing agricultural activities and the entire family is depending upon his income and unless the petitioner is enlarged on bail, he will be put to great hardship.

5. *Per contra*, learned Additional Public Prosecutor submitted that since 2019, the petitioner neither cooperated with the investigation nor appeared before the concerned Court. Hence, the petitioner is not entitled for grant of bail.

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 is arrayed as accused No.6 in Crime No.86 of 2019 and the investigation officer has issued notice under Section 41-A of the Cr.P.C./Section 35(3) of BNSS and recorded his statement. The record further discloses that the Sessions Judge, Nizamabad has issued NBW against the petitioner on 22.11.2023. The petitioner went abroad and he returned to India on 10.04.2025 and on the very same day Police executed NBW, produced him before the concerned Court and remanded to judicial custody. Even according to the learned Additional Public Prosecutor, the petitioner is not having any other criminal antecedents.

7. Taking into consideration the above 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.30,000/-(Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of the Sessions Judge, Nizamabad.

(ii) After release, the petitioner/accused No.6 shall surrender his passport before the concerned Court and he shall not leave India without permission of the concerned Court.

(iii) After release, petitioner/accused No.6 shall appear in PRC No.07 of 2022 (old PRC No. 11 of 2021) on the file of the Sessions Judge, Nizamabad, on each and every adjournment.

iv) The petitioner/accused No.6 shall abide by the conditions stipulated in Section 480 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 10.06.2025

vsl