

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6716 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 petitioners/accused Nos.1 and 2 in Crime No.58 of 2025 on the file of the P.S. Begum Bazar, Hyderabad, registered for the offences punishable under Section 103 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that, on 24.03.2025, an unknown person was found lying unconscious with head injuries and blood around his head. The petitioners were apprehended on suspicion, and pursuant to their alleged confession, certain incriminating material objects, including a centering stick measuring 1½ feet in length and 5 cm in diameter, were seized. Prior to this, on 23.03.2025, two women residing in a room on the 1st floor of the DTO Building at Nampally, Hyderabad, approached the police sentry and informed that an unknown person had come to the window of their room and, upon

seeing them, had fled away and that the petitioners are the husbands of the said women.

3. Heard Mr.B.Madhusudhan Rao, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and they were falsely implicated in the above crime. Even according to the allegations made in the complaint and the remand case diary, the deceased sustained injuries as a result of jumping from the 1st floor window, and not in the hands of the petitioners. Therefore, the essential ingredients of Section 103 of the BNS are not attracted against the petitioners. He further submitted that the petitioners are eking out their livelihood by doing labour work and entire family is depending upon thier income. He further submitted that the petitioners were arrested on 26.03.2025 and since then they are in judicial custody and the entire investigation is completed, except filing of charge sheet. He further submitted that the petitioners are not having any other criminal antecedents and they shall abide by the conditions,

which are going to be imposed by this Court, and they are ready and willing to cooperate with the investigation. Hence, the petitioners may be enlarged on bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed grave offence and the investigation is under progress and, at this stage, the petitioners are 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 petitioners were arrested on 26.03.2025 and since then they are in judicial custody. Even according to the learned counsel for the petitioners, the deceased had entered into the premises of the petitioners, and when the petitioners attempted to apprehend him, he jumped from the 1st floor window, sustained a head injury, and subsequently died. The PME report also reveals that the deceased died due to head injury. Even according to the learned Additional Public Prosecutor, petitioners are not having any other criminal antecedents and 12 witnesses were already examined.

7. Taking into consideration the above said facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.1 and 2 subject to the following conditions:

- (i) The petitioners/accused Nos.1 and 2 shall be released on bail on executing a personal bond for a sum of Rs.10,000/-(Rupees ten thousand only) each with two sureties for a like sum each to the satisfaction of the XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
- (ii) After release, the petitioners/accused Nos.1 and 2 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of six (6) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (iii) The petitioners/accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS and shall cooperate with the investigation.

8. Accordingly, the Criminal Petition is allowed.

J. SREENIVAS RAO, J

Date:10.06.2025
vsl