

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6786 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.268 of 2025 of Jagtial Police Station, Jagtial District, registered for the offences punishable under Sections 316(2), 318(4), 351 and 49 of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. Ponnamm Ashok Goud, learned counsel for the petitioner/accused No.2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that the offence occurred from 20.09.2024 to 16.04.2025 and reported on 16.04.2025 by the complainant stating the accused No.3 who is her classmate, had introduced accused Nos.1 and 2 and promised the de facto

complainant to give more interest and good returns during three months on deposit of amount. By believing their deceitful words the de facto complainant transferred Rs.25.00 lakhs to the account of A1 from her fixed deposit and after completion of the time she asked the accused for money and interest but the accused not transferred the money and threatened her with dire consequences and thereby cheated her and committed criminal breach of trust. Upon her complaint the above crime was registered.

4. Learned counsel for the petitioner/accused No.2 submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submitted that the petitioner approached the I Additional District and Sessions Judge at Jagtial and filed CrI.M.P.No.142 of 2025 for grant of anticipatory bail. Learned Sessions Judge by holding that the offences leveled against the petitioner are below 7 years and the police have to follow the procedure prescribed

under Section 35(3) of BNSS, however, dismissed the petition without properly considering the principle laid down by the Hon'ble Apex Court. He further submitted that the entire allegations are leveled against the other accused. Though the punishment prescribed for the offences leveled against the petitioner is up to 7 years, the police without following mandatory procedure prescribed under Section 35(3) of BNSS and also the guidelines formulated by the Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar*¹ trying to arrest the petitioner. He further submitted that the petitioner is a Government employee, in the event of his arrest, he will lose his employment. He further submitted that petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigating officer and also abide by the conditions that may be imposed by the Court.

5. *Per Contra*, learned Additional Public Prosecutor submits that the petitioner committed grave offence and that there are

¹ (2014) 8 SCC 273

specific allegations leveled against the petitioner and the investigation is under progress and if the petitioner/accused No.2 is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, it reveals that monetary disputes are pending between the defacto complainant and accused. The allegations made against the petitioner, the imprisonment is up to 7 years. The only contention raised by the learned counsel for the petitioner is that the investigating officer without following monetary procedure prescribed under Section 35(3) of BNSS and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar (Supra)*** taking steps to arrest the petitioner. The record further reveals that the petitioner is working as Junior Assistant in Forest Department.

Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. Taking into consideration of the facts and circumstances of the case and as the petitioner is not having any criminal antecedents, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions:

- (i) Petitioner/accused No.2 is directed to surrender before the Station House Officer, Jagtial Police Station, on or before 24.06.2025;
- (ii) On such surrender, the Station House Officer of Jagtial Police Station, shall release the petitioner 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 likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.2 shall appear before the Station House Officer, Jagtial Police Station, on every Sunday at 11:00 a.m., for a period of six weeks for the

purpose of investigation and thereafter, as and when required for investigation.

(iv) Petitioner/accused No.2 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

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

Date: 17.06.2025
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J.SREENIVAS RAO, J

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