

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7013 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.5 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.104 of 2025 of Santoshnagar Police Station, Hyderabad, registered for the offences punishable under Sections 103(1), 61(2) and 238(a) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. Mohd. Muzaferullah Khan, learned counsel for the petitioner/accused No.5 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 08.04.2025, the complainant lodged a complaint stating that her son *viz.*, Mohammed Aslam went missing from 07.04.2025 on which date he left home at around 2:30 pm., and his phone was

switched off and later on 08.04.2025 at about 10:00 a.m., her nephew- Mohammed Ishaq, found the dead body of her son in a pool of blood at DB Shah Graveyard, Santosh Nagar, with injuries on his neck and hands and she suspects that petitioner might have murdered her son as earlier, petitioner threatened her son with dire consequences in case he does not permit him to marry his sister - Yasmeen Begum. Basing on the same, the aforesaid crime was registered against the petitioner/accused No.5 and other accused for the aforesaid offences.

4. Learned counsel for the petitioner/accused No.5 submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submits that even according to the complaint, the entire allegations are levelled against accused Nos.1 to 4 only and only allegation levelled against the petitioner/accused No.5 is that he destroyed the evidence and as such the ingredients of Section 238(a) of BNS are attracted against the petitioner and the said offence is punishable with imprisonment upto seven

years only. He further submits that the petitioner was arrested on 11.04.2025 and since then, he is in judicial custody and the investigation is completed and the petitioner has no criminal antecedents and prays to grant bail to the petitioner as he is ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by this Court.

5. *Per contra*, learned Additional Public Prosecutor submits that the petitioner/accused No.5 committed grave offence and the investigation is not yet completed and if the petitioner is granted bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and on perusal of the record, it reveals that specific allegations are levelled against accused Nos.1 to 4 only and the petitioner is the brother of accused No.1 and the only allegation leveled against him is that he went to the scene of offence, took the

knife from accused No.1 and burnt the same at his residence and tried to destroy the evidence and hence, the ingredients of Section 238(a) of BNS are attracted against the petitioner and the said offence is punishable with imprisonment upto seven years only. The petitioner was arrested on 11.04.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, the petitioner has no criminal antecedents.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused No.5 subject to the following conditions:

- (i) The petitioner/accused No.5 shall execute 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 VII Additional Chief Judicial Magistrate, Hyderabad.
- (ii) On such release, the petitioner/accused No.5 shall appear before the concerned Station House 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) The petitioner/accused No.5 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.

Date: 19.06.2025
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J.SREENIVAS RAO, J