

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7301 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.3 seeking bail in Crime No.399 of 2025 of Medipally Police Station, Rachakonda, registered for the offences punishable under Sections 103(1) and 238 r/w 3(5) of the of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 02.04.2025, the de-facto complainant lodged a complaint stating that on 07.12.2024 his elder daughter went out one evening without informing anyone, and he suspected she was upset over a recent marriage proposal she disliked. Accused No.1, who often quarrelled with the deceased over petty issues, planned with the petitioner and accused No.2 to eliminate her. As planned, while the deceased was asleep, they killed the deceased by pressing her throat and later buried the body in the Moosi River. Basing on the same, the present crime was registered.

3. Heard Mr.M.Ravi, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offences and basing on the alleged confession given by the other accused, he was falsely implicated in this crime. He further submitted that the only allegation levelled against the petitioner is that he accompanied with accused Nos.1 and 2, hence the ingredients of Section 103(1) of BNS are not attracted against the petitioner and the punishment prescribed for the other offences is upto seven years. He further submitted that the petitioner was arrested on 11.04.2025 and since then he is in judicial custody and entire investigation is completed, except filing of charge sheet. He further submitted that accused Nos.1 and 2 were already enlarged on bail, pursuant to the orders passed by the learned Principal District and Sessions Judge, Medchal-Malkajgiri District at Kushaiguda in CrI.M.P.Nos.290 and 305 of 2025, dated 03.06.2025 and 12.06.2025. He further submitted that the petitioner is eking out his livelihood by doing private employment and he is having small children and entire family is depending upon his income. He further

submitted that the petitioner is not having any other criminal antecedents and he is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed grave offences and the investigation is under progress and if the petitioner is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

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 was arrested on 11.04.2025 and since more than 82 days, he is in judicial custody. The record further discloses that the very similar allegations are levelled against accused Nos.1 and 2 and they were already enlarged on bail, pursuant to the orders passed by the learned Principal District and Sessions Judge, Medchal-Malkajgiri District at Kushaiguda in CrI.M.P.Nos.290 and 305 of 2025, dated 03.06.2025 and 12.06.2025. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal

antecedents and 18 witnesses were already examined and the custodial interrogation of the petitioner is no more required.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.3, subject to the following conditions:

(i) The petitioner/accused No.3 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 the Principal Junior Civil Judge-cum-IV Additional Metropolitan Magistrate Court, Medchal-Malkajgiri District, Uppal, at L.B.Nagar.

(ii) The petitioner/accused No.3 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of four (4) 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.3 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.3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:02.07.2025

vsl