

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7441 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.1 in Crime No.24 of 2025 on the file of Film Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 305 (a) and 331 (1) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023).

2. The case of the prosecution is that 11.01.2025 at about 15:30 hours, the de facto complainant lodged a complaint stating that, when she and her husband went to sleep in the master bedroom after locking the main and kitchen doors, on the morning of 11.01.2025 at 8:20 hours, when she went to the bathroom, she noticed that racks beside the bathroom are open and jewellery boxes were scattered on the floor, upon inspection, she found that Rs.1,50,000/- in cash and jewellery items including two pairs of bangles, three necklaces, a nose ring etc., were missing, she suspects that some known and unknown persons might have

entered the house and stolen the cash and jewellery. Basing on the same, a case in Crime No.24 of 2025 was registered against him.

3. Heard Mr.Sabjan Shaik, 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 has not committed the offence and he was falsely implicated in the above said crime. He further submitted that the petitioner was arrested on 20.04.2025 and since more than 66 days, he is in judicial custody and entire part of the investigation is completed, except filing of charge sheet. There are no specific allegations against the petitioner to attract Sections 305 (a) and 331 (1) of BNS, 2023. Furthermore, all other offences alleged against the petitioner is punishable with imprisonment of less than seven years. He further submits that the very same allegations are leveled against accused Nos.2 and 3 and they were enlarged on bail. He further submits that, the statutory period of 66 days is already over, the investigating officer has not filed chargesheet. Hence, the petitioner is entitled for grant of

statutory bail. He further submitted that the petitioner is ready 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 submitted that petitioner/accused No.1 has committed grave offence and major allegations are levelled against accused No.1, merely granting of bail to accused Nos.2 and 3 is not a ground to seek bail to petitioner. He further submits that petitioner is also accused in another Crime No.247 of 2025. 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 all other offences alleged against the petitioner is punishable with imprisonment of less than seven years. The petitioner was arrested on 20.04.2025 and since more than 66 days he is in judicial custody. Even according to the learned Additional Public Prosecutor, 14 witnesses were examined and the

material part of the investigation is also completed. It is not in dispute that the accused Nos.2 and 3 are enlarged on bail.

7. Taking into consideration the said facts, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions.

(i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the XVII Additional Chief Judicial Magistrate, Nampally, Hyderabad.

(ii) After release, if the petitioner/accused No.1 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.

(iii) After release, the petitioner/accused No.1 shall not influence the witnesses or interfere with the investigation.

(iv) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 483(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 26.06.2025

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