

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7792 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.8, seeking bail in S.C.No.100 of 2019, on the file of the IV Additional Sessions Judge, Hyderabad.

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

3. Learned counsel for the petitioner submitted that the petitioner is accused No.8 in Crime No.744 of 2005. In the above said crime, the petitioner was enlarged on bail. The investigating officer after conducting investigation filed charge sheet and the same was taken on record by the learned IV Additional Sessions Judge, Hyderabad and the same was numbered as S.C.No.100 of 2019. The trial Court issued NBW against the petitioner on 15.04.2019, on the ground that due to none appearance of the petitioner in S.C.No.100 of 2019. The above said NBW was executed against the petitioner on 23.04.2025 and since then, the petitioner is in jail. He further submitted that petitioner could not appear before the Court below as he has not received the summons.

Though the same was brought to the notice of the learned Sessions Judge by filing application vide CrI.M.P.No.807 of 2025 for grant of bail and the learned IV Additional Sessions Judge at Hyderabad, dismissed the said application on 10.06.2025. He further submitted that petitioner is not having any criminal antecedents and he is ready to appear before the Court below on each and every adjournment, whenever his physical presence is required and also represent the case through his counsel on each and every adjournment. Hence, prayed for grant of bail.

4. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners are not appearing before the Court below since 2019 and NBWs are pending against the petitioner since 15.04.2019 and the same was executed on 23.04.2025. Hence, petitioner is not entitled for grant of bail.

5. This Court considered the rival submissions made by the respective parties and perused the record. The specific contention of the learned counsel for the petitioner is that petitioner has not received the summons and he came to know about the pendency of the above case through NBWs' which were executed against him on

23.04.2025. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.8, subject to the following conditions:

(i) The petitioner/accused No.8 shall execute a personal bond for a sum of Rs.20,000/-(Rupees Twenty Thousand only) with two sureties for a like sum each to the satisfaction of IV Additional Sessions Judge, Nampally, Hyderabad.

(ii) On such release, the petitioner/accused No.8 shall file undertaking before the Court below that he will appear before the Court below in S.C.No.100 of 2019 on each and every adjournment, as and when his presence is required and also he will engage the counsel to represent the matter on each and every adjournment.

(iii) After release, the petitioner/accused No.8 shall not leave the jurisdiction without permission of the concerned Court.

(iv) The petitioner/accused No.8 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.

JUSTICE J.SREENIVAS RAO

Date: 02.07.2025

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