

THE HON'BLE SRI JUSTICE SREENIVAS RAO
CRIMINAL PETITION No.8328 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.3, seeking anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), in connection with Crime No.188 of 2025 of Gachibowli Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 109(1), 121(2) of Bharatiya Nyaya Sanhitha, 2023 and Sections 25(1-B)(a), 27(2) of Arms Act.

2. The case of prosecution in brief is that on 01.02.2025 based on credible information that the suspect i.e., accused No.1, who is known offender was present at Prism Pub, Gachibowli and as such the complainant, who is the Head Constable, proceeded to the location. Upon their arrival when the accused No.1 was spotted by the complainant, he resisted his arrest and drew a gun and aimed at the police persons and fired two rounds with the intent to kill and escape. However, the police over powered the accused on the spot and rushed to Continental Hospital for medical treatment. Basing on the said complaint, the present crime is registered for the aforesaid offences.

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

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence and he was falsely implicated in this case, basing on the confessional statement given by the accused No.1 and the same is not permissible under law, especially in view of the Section-25 of the Indian Evidence Act. He further submitted that even in the Complaint and the Remand Case Diary, the petitioner's name was not mentioned. The only allegation against the petitioner is that accused No.1, in his confessional statement, stated that accused Nos.1 and 2 went to Bihar and purchased a weapon through the petitioner, who is a friend of Accused No.2. Apart from this confessional statement, there are no other allegations against the petitioner, and the petitioner was not present at the alleged scene of the offence. Hence, the ingredients under Sections 25(1-B) and 27(2) of the Arms Act are not applicable. He further submitted that the prosecution has failed to obtain the necessary permission under Section 39 of the Arms Act. He further submitted that the petitioner is a Civil Engineer and he is not having any 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 anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and there are specific allegations leveled against the petitioner. He further submitted that the accused No.1 in his statement specifically stated that he purchased the weapon with the help of accused No.3 only. The investigation is under progress and at this stage if the petitioner is enlarged on anticipatory bail, there is every chance to influence the witnesses and interfere with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there are specific allegations against the petitioner. As per the remand case diary, 'The only allegation against the petitioner is that accused No.1, in his confessional statement, stated that accused Nos.1 and 2 travelled to Bihar in a rental Fortuner car and purchased weapons and other items through accused No. 2's friend, Ravi, who is the petitioner/Accused No. 3. Even according to the learned counsel for the petitioner accused Nos.1 and 2 were arrested and the entire

investigation is also completed. Even according to learned Additional Public Prosecutor 17 witnesses were examined and the petitioner is not having any criminal antecedents.

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

1. The petitioner/accused No.3 shall surrender before the Station House Officer of Gachibowli Police Station, Cyberabad Commissionerate District, on or before 24.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.3 on bail executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each.
2. After release, 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 commencing from 28.07.2025 or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
3. After release, the petitioner/accused No.3 shall not influence the witnesses or interfere with the investigation.
4. 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 anticipatory bail granted by this Court in favour of the petitioner.
5. The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik

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Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

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

J.SREENIVAS RAO, J

Date: 17.07.2025
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