

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9213 OF 2025

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting of pre-arrest bail to the petitioner in Crime No.126 of 2024 of Central Crime Police Station (CCS), Hyderabad.

2. The case of the prosecution is that the petitioner is not arrayed as an accused in Crime No.126 of 2024, and she is the wife of accused No.4 in the said crime. It is alleged that accused No.4 transferred an amount of Rs.3,48,000/- to the petitioner's account. Based on the said transaction, the Investigating Officer issued a notice under Sections 91 and 160 of the Cr.P.C., 1973, to the petitioner, seeking an explanation and her appearance for investigation. However, the petitioner has neither complied with the notice nor appeared before the Investigating Officer.

3. Heard Sri Nikhil R Chainani, learned counsel appearing on behalf of the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent State.. Perused the material available on record.

4. Learned counsel for the petitioner contends that the petitioner is not an accused in the case, and till date, no specific allegations are made against her and he is not an employee of accused No.1. The only allegation is that she received an amount of Rs.3,48,000/- from her husband, who is an accused No.4 in the case. Pursuant to the notice issued under Sections 91 and 160 of the Cr.P.C., the petitioner has already submitted her explanation to the Investigating Officer. It is further submitted that the petitioner, being a lady, she cannot be called to appear before the Investigating Officer for recording of her statement under Section 160 Cr.P.C. It is also submitted that there is apprehension of harassment to the petitioner under the guise of investigation. Hence, he seeks appropriate directions from this Court.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the case is under investigation and the Investigating Officer rightly issued a notice under Sections 91 and 160 of the Cr.P.C. However, even after receiving the notice, the petitioner did not appear before the investigation officer. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. Having regard to the rival submissions made by both the parties and a perusal of the material placed on records, it is alleged that the petitioner received Rs.3,48,000/- from her husband, for which, she already gave explanation to the investigating officer under the Section 91 of 161 Cr.P.C stating that she is not an employee and accused No.4 is the employee of accused No.1 Company. In view of the facts and circumstances of the case, the petitioner is granted pre-arrest bail, subject to the following conditions:

- i. In the event of arrest the Station House Officer shall release her on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., and thereafter, as and when required.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 20.08.2025
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K. SUJANA, J

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