

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.11539 OF 2025

ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioner on bail, who is arrayed as accused No.1 in Crime No.98 of 2024 of Mahankali, Police Station, Hyderabad, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

2. The case of the prosecution is that on 07.05.2024, the police received a complaint from the *de-facto* complainant stating that he owns a gold workshop. On 03.04.2024, the *de-facto* complainant took orders for customizable gold ornaments from Krishna Jewellers, located at Jubilee Hills. On 04.04.2024, accused No.1, who works as a salesman at Krishna Jewellers, came to the *de-facto* complainant's shop and said he wanted to take three Vaddanams because the customers needed some changes in them. However, the *de-facto* complainant refused to give the said gold to him. Then, accused No.1 called one Kumar, who works in the orders section of Krishna Jewellers, and told him the same that the customers needed some design changes. That Kumar said the *de-facto* complainant to give the Vaddanams to accused No.1.

The *de-facto* complainant then gave the Vaddanams to accused No.1, who assured him that he would return the said gold within three days. After that, accused No.1 neither given the said gold nor responded the de-facto complainant's calls. Later, the *de-facto* complainant's son and Kumar went to accused No.1's house and found out that accused No.1 had vacated the house. As such he requested the Police to take necessary actions against the accused. Basing on the complaint Police registered a case against the accused.

3. Heard Sri K. Kiran Kumar, learned counsel appearing for the petitioner and Sri Arun Kumar Doddla, learned Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is in jail since 09.08.2025. Though the offence is punishable with less than seven years, no procedure under Section 41-A Cr.P.C., was followed by the Investigating Officer. He further submitted that for the same allegations the Krishna Jewellers lodged a report before the Jubilee Police Station, wherein, the trial Court directed the Investigating Officer to serve a notice under Section 41-A Cr.P.C while granting anticipatory bail to the petitioner. Even according to the prosecution, the gold was sold to other accused persons and recovery has been made in the last 30

days. The petitioner has been in jail and material part of the investigation is completed. Therefore, he requested that bail be granted to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, and contending that investigation is still not completed and gold is not completely recovered from the accused persons. hence prays this Court to dismiss the criminal petition.

6. In light of the submissions made by both the learned counsel and upon perusal of the material available on record, and considering both parties, the petitioner has been in jail since 09.08.2025. As seen from the record, the gold was shown to have been given to other accused persons i.e., accused Nos. 3 and 4 who have already been served with notice under Section 41-A Cr.P.C. Therefore, the recovery of the gold has been made and the material part of investigation is already completed. Additionally, all the material witnesses have been examined. Therefore, this Court finds it appropriate to grant bail to the petitioner, subject to the following conditions:

- i. The petitioner 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 learned XI Additional Chief Judicial Magistrate at Secunderabad.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 10.09.2025
fm

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.11539 of 2025

Date: 10.09.2025

Fm