

**THE HONOURABLE SMT JUSTICE K. SUJANA**

**CRIMINAL PETITION No.13943 of 2025**

**ORDER:**

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.1 in FIR.No.407 of 2025 before the Nirmal Town Police Station, Nirmal District, registered for the offences punishable under Sections 310(2) and 140(4) of BNS.

2. The brief facts of the case are that the complainant alleged that on 02.07.2025, while driving his Bolero vehicle with Syed Numan, they were blocked by a white Swift Dzire car driven by petitioner/Shaik Rauf (A1), Rahiz (A3), Ibrahim (A2), Salman (A4), and Mohammad Sohail (A5), who were armed with knives. The accused threatened and dragged them out of the vehicle, robbed them of their mobile phones, and assaulted them. The complainant and Numan were then forcibly taken in the Bolero vehicle to Bhainsa, where they managed to escape near Geeta Dharmakarita. The incident stemmed from a previous dispute over a loan of Rs. 4,00,000/- that the complainant's brother owed to the accused.

3. Heard Sri K.Venu Madhav, learned counsel for petitioner, and Sri D.Arun Kumar, learned Additional Public Prosecutor for respondent – State.

4. Learned counsel for the petitioner submitted that the allegations in the complaint primarily pertain to a monetary dispute involving the cousin of petitioner, who runs a rice business in Nirmal and occasionally procures rice from the petitioner. He further submitted that the petitioner is also engaged in rice trade, and in that context he had rented his Bolero vehicle to his cousin. He contended that though it is alleged that on 02-07-2025, while the petitioner and Syed Numan were travelling in the said vehicle, they were wrongfully restrained and threatened by the accused, including the petitioner, in connection with a demand for repayment of Rs.4,00,000/-, there are no specific allegations attributing acts of kidnapping or abduction to the petitioner, except for the general allegation that he was present and issued threats.

5. Learned counsel for the petitioner asserted that the dispute between the parties is that of civil in nature, arising out of a monetary demand, and does not attract the ingredients of offences punishable under Sections 310(2) and 140(4) of the

BNS. He averred that accused No.2 was arrested on 05-07-2025 and eleven witnesses were examined on the same day, which would indicate that substantial progress is done in investigation. Therefore, while averring that this is second bail petition of petitioner and accused No.2 is already released on bail, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

6. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the complaint averments would clearly reveal that there are serious allegations against the petitioner. He further submitted that the petitioner is a habitual offender and there are 7 other crimes registered against the petitioner. Therefore, he prayed the Court to dismiss the criminal petition.

7. Having regard to rival submissions made and on going through the material placed on record, it is noted that the petitioner is in judicial custody since 23.08.2025 and it is seen that witness are already examined. Considering the period of incarceration of petitioner, this Court deems it fit to grant bail to the petitioner, subject to following the below 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 Additional Judicial Magistrate of First Class, at Nirmal, Nirmal District.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 480(3) of the BNSS, earlier known as Section 437(3) of Cr.P.C.

8. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

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**K. SUJANA, J**

Date: 10.11.2025  
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