

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13948 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners-accused Nos.1 and 2, in Crime No.262 of 2025 before the Madikonda Police Station, Warangal District, registered for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS).

2. The brief facts of the case are that on 08.10.2025, the *de-facto* complainant lodged a report with the police stating that on 20.09.2025, while traveling from Papaiahpet, Warangal to Mehdipatnam for a marriage function, an incident occurred between Battupally and Madikonda. Her driver had placed luggage bags on top of their car but forgot to secure them with a rope. One of the bags, containing gold ornaments, accidentally fell off near Battupally without their knowledge. Later, they came to know that a KIA car traveling behind them had picked up the fallen bag, as witnessed by another driver. Mr. Asgar informed his friend Saleem, who contacted the father of the complainant, Mr. Yaseen. Unaware of the incident, Mr. Yaseen denied any missing

bag. Mr. Asgar then overtook the car of the complainant and signaled about the fallen bag. The complainant's driver, Mr. Ajaz, turned back to search for it but was unsuccessful. Subsequently, they discovered that the KIA car owner had handed over the bag to Raghunathpally Police Station. When the brother of the complainant retrieved the bag, they found the gold ornaments missing. The complainant suspects the KIA car owner and driver, Vijay and Venkateshwarlu, of misappropriating the contents, as such requested the police to take necessary action. Based on her complaint, a case was registered under Crime No.262 of 2025 for the aforementioned offence.

3. Heard Sri R. Thirupathi, learned counsel for the petitioners-accused Nos.1 and 2, and Sri Arun Kumar Doddla, learned Additional Public Prosecutor for respondent-State.

4. The contention of the learned counsel for the petitioners is that petitioners are innocent, falsely implicated, and have not committed any offence. He pointed out a delay of 15 days in lodging the complaint, suggesting it was an afterthought by the *de-facto* complainant. He further submitted that the petitioners are willing to cooperate with the investigation. Therefore,

requested the Court to grant pre-arrest bail by allowing the criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioners stating that custodial interrogation is essential for recovery of the missing property. He contended that granting anticipatory bail at this stage would obstruct the investigation and urged the Court to dismiss the criminal petition.

6. Upon considering the submissions made by both the learned counsel and examining the material available on record, the main allegation against Accused Nos.1 and 2 is that they removed gold ornaments from the bag of the complainant. The petitioners deny knowledge of any such contents. Notably, there is a delay of 17 days in filing the complaint. Considering the facts and circumstances, this Court deems it appropriate to grant pre-arrest bail to the petitioners-accused Nos.1 and 2, subject to the following conditions:

- i. The petitioners-accused Nos.1 and 2 shall surrender before the Station House Officer, Madikonda Police Station, Warangal District, within two weeks from today, and on such surrender, the said Station House

Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioners-accused Nos.1 and 2 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 petitioners-accused Nos.1 and 2 shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.11.2025
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