

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15003 of 2025

ORAL ORDER:

The Criminal Petition is filed praying this Court to grant pre arrest bail to the petitioner who is arrayed as accused No.3 in Crime No.148 of 2025 before the Beerpur Police Station, Jagitial District, registered for the offence punishable under Section 105 read with 3(5) of BNS.

2. The brief facts of the case are that, on 08.11.2025, the *de facto* complainant lodged a report before the police stating that her husband had gone to work to dig a hole in the house of Accused No.3. He dug the hole up to eight feet, and while coming out of it, his hand accidentally touched an electric fuse, causing him to be electrocuted. He was immediately shifted to the hospital, where doctors declared that he had been brought dead. Hence, she requested the police to take necessary action. Based on the said complaint, the police registered a case for the alleged offence.

3. Heard Sri Mohd. Azhar, learned counsel representing Sri Alluri Divakar Reddy, learned counsel for petitioner, and Sri D.

Arun Kumar, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was innocent of the offence alleged and was in no way connected with the alleged offence except for being the owner of the house and that Section 105 of the BNS was not applicable to the petitioner, and although the case pertained to an offence under Section 106, it had nevertheless been registered under Section 105 of the BNS. Accused Nos.1 and 2 had already been arrested and, according to the prosecution, the deceased had been engaged by Accused Nos.1 and 2. Therefore, there was no need for custodial interrogation of the petitioner and prayed the Court to grant anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the investigation was at an initial stage and the prosecution had to investigate whether the incident was a negligent act or an intentional murder by the petitioner. He further submitted that the allegations against the petitioner were serious and grievous in nature, and that custodial interrogation of the petitioner was required, as the investigation in the case was

still pending. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to rival submissions made and on going through the material placed on record, it is noted that the petitioner is arrayed as Accused No.3. The allegations against Accused Nos.1 to 3 are that Accused Nos.1 and 2 had engaged the deceased to dig a hole in the petitioner's house for the purpose of a treasure hunt, and while coming out of the pit, the deceased was electrocuted. *Prima facie*, the prosecution had not shown any intention on the part of the petitioner to attract the offence under Section 105 of the BNS, except for the fact that she was the owner of the house. Thus, no such offence was made out against the petitioner. In view of these circumstances, this Court was of the opinion that custodial interrogation of the petitioner was not warranted and deemed it appropriate to grant pre-arrest bail to the petitioner, subject to compliance with the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Beerpur Police Station, Jagtial District, within two weeks from today, and on such surrender, the said Station House Officer shall release petitioner on bail, on her executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand

only), 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 Wednesday 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: 24.11.2025
SS

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