

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15902 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in S.C.No.182 of 2022 on the file of Special Sessions Judge for Trial of Cases under SC/ST (POA) Act-Cum-II Additional Sessions Judge at Warangal, the present Criminal Petition is filed.

2. The brief facts of the case are that on 08.12.2021, at about 10:00 hours, while the *de-facto* complainant was working as Panchayat Secretary of Annaram Village, the villagers informed him that one unknown female dead was found at Annaram gravity canal in a suspicious manner. Hence, a case was registered vide Crime No.108 of 2021 before the Kaleswaram Police, Jayashankar Bhupalpally District and after completion of the investigation, a charge sheet was filed vide S.C.No.182 of 2022 on the file of Special Sessions Judge for Trial of Cases under SC/ST (POA) Act-Cum-II Additional Sessions Judge at Warangal, for the offences punishable under Sections 120(B), 302, 201 read with 34 of the IPC and Sections 3(2)(v), 3(2)(va) of SC/ST (POA) Act.

3. Heard Sri P.Prabhakar Reddy, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar

Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is no way concerned with the alleged offences. He *secondly* submitted that though the petitioner was attending the trial Court regularly, Non-Bailable Warrants were issued against the petitioner as he was absent on 06.11.2024. He *thirdly* submitted that absence on 06.11.2024 is neither wanton nor willful but only due to the ill-health of the petitioner. He *fourthly* submitted that the petitioner has been in judicial custody since 21.11.2024, causing undue hardship to his family and that the allegations are false and fabricated. He *fifthly* submitted that the petitioner is resident of Peddapalli District, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.324 of 2024, was dismissed by the Special Sessions Judge for Trial of Cases under SC/ST (POA) Act-Cum-II Additional Sessions Judge, Warangal, on 11.12.2024, without valid reasons and prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner is not cooperating with

the trial proceedings, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions made by both the parties and reviewing the record, it is apparent that on 06.11.2024, the petitioner has not attended the trial Court as he is suffering from dengue fever. Hence, since the petitioner is languishing in jail from 21.11.2024 and charge sheet is filed after completion of investigation, this Court deems it fit 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) each, with two sureties for a like sum each to the satisfaction of the Special Sessions Judge for Trial of Cases under SC/ST (POA) Act-Cum-II Additional Sessions Judge at Warangal.
- ii. The petitioner shall cooperate with the trial proceedings by appearing before the concerned Court whenever his presence is required as the charge sheet is filed before the concerned Court.
- 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: 06.01.2025
gms

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