

**THE HONOURABLE SMT. JUSTICE K. SUJANA**

**CRIMINAL PETITION No.16080 of 2024**

**ORDER:**

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.173 of 2024 of Midjil Police Station, Mahabubnagar, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 05.09.2024, the *de-facto* complainant lodged a report stating that on 29.08.2024, some un-known persons entered into the said site premises and committed theft of Copper Cable Wire. Hence, a case was registered vide Crime No.173 of 2024 before the Midjil Police Station, Mahabubnagar, for the offences punishable under Section 303(2) of BNS.

3. Heard Sri S.V.Indira, 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 petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. She *secondly* submitted that though there is

no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. She *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. She *fourthly* submitted that the petitioner has been in judicial custody since 20.09.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Dronachalam village of Dhone mandal, Kurnool District, with movable and immovable properties, and is willing to furnish sureties as directed. She *lastly* submitted that previously, bail application of the petitioner, *vide* CrI.M.P.No.2327 of 2024, was dismissed by the Court of the Additional Judicial Magistrate of First Class, at Jadcherla, on 08.10.2024, 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 also involved 11 other cases and the investigation is not yet completed, 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 from both the parties and reviewing the record, the averments of the petition shows that the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years and the petitioner is languishing in jail from 20.09.2024 and also material part of investigation is completed, 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.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate at Jadcherla, Mahabubnagar district.
- 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.

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**K. SUJANA, J**

Date: 02.01.2025

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