

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16154 of 2024

ORDER:

Seeking the Court to enlarge the petitioner in Crime No.161 of 2024 of Thimmajipet Police Station, Nagarkurnool District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that accused Nos.1 and 2 are having illegal relationship and in order to maintain their relationship, accused Nos.1 and 2, along with accused No.3, hatched a plan to eliminate the deceased, who is husband of accused No.2 and attacked him with rod. As a result, the deceased died on the spot. It is stated that the accused persons kept the dead body of the deceased before the house of the *de-facto* complainant to make the villagers believe that the *de-facto* complainant, who is mother-in-law of accused No.1, killed the deceased. Hence, a case was registered vide Crime No.161 of 2024 before the Thimmajipet Police, Nagarkurnool, for the offences punishable under Sections 103(1) and 115(2) read with 3(5) of the BNS.

3. Heard Sri B.Bhagath Sain, 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 innocent and she is no way concerned with the alleged offences. He *secondly* submitted that though the petitioner is not present at the scene of offence, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 13.11.2024, causing undue hardship to her family. He *fifthly* submitted that the petitioner is resident of Bijanapally Mandal, Nagarkurnool 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.1050 of 2024, was dismissed by the Principal Sessions Judge, Nagarkurnool, on 18.12.2024, 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 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, it is apparent that name of the petitioner is not mentioned in the FIR and she is subsequently implicated in this case stating that she is also part of conspiracy. Pertinently, there are no specific allegations against the petitioner. Hence, since the petitioner is languishing in jail from 13.11.2024 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.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the Principal Sessions Judge, Nagarkurnool.
- 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.

K. SUJANA, J

Date: 03.01.2025

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