

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.5204 OF 2026

DATE : 21.04.2026

Between :

Ubbani Yogesghwar @ Yogi

... Petitioner/A.2

And

The State of Telangana,
Rep., by its Public Prosecutor,
High of Judicature at Hyderabad

... Respondent/Complainant

: ORDER :

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused No.2 in Cr.No.446 of 2025 of Nizamabad- I Town Police Station, Nizamabad District. The offences alleged against the petitioner are under Section 305(b) of Bharatiya Nyaya Sanhita, 2023.

2. The brief facts of the case are that on 27.11.2025 at about 20:45 hours, the complainant, Uppu Gangadhar lodged a complaint stating that he owns Swagath hotel beside Sunrise Hospital. On 28.10.2025 he had parked his Hero Honda iSmart

bearing No.TS16EG2093 in the parking area of Sunrise Hospital and later found it missing on 05.11.2025 at about 17:30 hours. Despite searching in the surrounding area, he could not trace the vehicle. He suspected that unknown persons had stolen the motorcycle worth Rs.15,000/- and requested for necessary action. Basing on the said complaint, police registered the case.

3. Heard Sri J.Vishnu Vardhan, learned counsel for the petitioner and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case on baseless and fabricated allegations only to harass him and for statistical purposes. It is submitted that the complaint has been foisted with an ulterior motive to tarnish the reputation of the petitioner in society. It is further contended that there are no specific overt acts attributed to the petitioner in the FIR or other material on record, and that the essential ingredients of Section 305(b) of BNS are not made out. The petitioner is stated to have no connection with the alleged transaction referred to in the crime. It is also submitted that the offence invoked is punishable with imprisonment up to seven

years, and the Investigating Officer has failed to follow the guidelines laid down in ***Arnesh Kumar v. State of Bihar***¹. He also contended that pendency of other criminal cases cannot by itself be a ground to refuse bail as held by the Hon'ble Supreme Court in several decisions. Petitioner is in jail from 12.01.2026. Hence, prayed this Court to enlarge the petitioner on bail by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed bail contending that the accused in the first week of November, went to the parking place of bike and found that as no one was present, the accused committed theft of the bike. Further there are 17 cases pending against the petitioner and if he is released on bail, he will commit similar offences. He also submitted that investigation is completed and charge sheet is also filed. Hence, petitioner is not entitled to bail and prayed to dismiss this petition.

6. Having regard to the submissions made by both counsel and the material on record, the allegation against the petitioner is that he committed theft of a motorcycle from the parking place when no person was present. The petitioner has been in judicial custody since 12.01.2026. It is also brought to the

¹ (2014) 8 SCC 273

notice of this Court that the investigation in the matter has been completed and charge sheet has already been filed before the competent Court. Since the investigation is completed and the charge sheet is filed, the presence of the petitioner can be secured for trial by imposing appropriate conditions. Having regard to the nature of allegations, period of custody undergone by the petitioner, completion of investigation, and filing of charge sheet, 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) with two sureties for a like sum each to the satisfaction of the I-Additional Junior Civil Judge-cum-I-Additional Judicial Magistrate of First Class, Nizamabad.
 - ii. The petitioner shall appear before the concerned trial Court as and when directed.
 - iii. The petitioner shall abide by the conditions stipulated in Section 483(2) of the BNSS.
7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 21.04.2026

Rds

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