

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7769 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.3, seeking bail in P.R.C.No.193 of 2023 on the file of learned XIV Additional Chief Judicial Magistrate, Hyderabad in Crime No.106 of 2010 on the file of the Chandrayanagutta Police Station, registered for the offences punishable under Sections 147, 148, 427, 326, 307 and 153(A) r/w 149 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 of the Prevention of Damage to Public Property Act, 1984 (for short 'PDPP Act').

2. Heard Mr.Mohd. Islamuddin Ansari, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. Learned counsel for the petitioners submitted that the petitioner is accused No.3 in Crime No.106 of 2010 of P.S. Chandrayanagutta. Subsequently, the investigation officer after conducting investigation

filed charge sheet and the same was numbered as P.R.C.No.193 of 2023 on the file of the learned XIV Additional Chief Judicial Magistrate, Hyderabad. He further submitted that the petitioner had not received the summons, and due to the same, he was unable to appear before the Court below. Consequently, the Court issued a Non-Bailable Warrant (NBW) on 20.12.2024 for non-appearance in P.R.C. No.193 of 2023 and the NBW was executed on 23.05.2025, and the petitioner was remanded to judicial custody. He further submitted that the petitioner was unaware of the pendency of P.R.C. No.193 of 2023, as he had not received any summons and to establish the said factum, he relied upon the docket order dated 27.01.2023 passed by the learned XIV Additional Chief Metropolitan Magistrate, Hyderabad. He further submitted that the petitioner is eking out his livelihood by working as driver and he is not having any other criminal antecedents. He further submitted that the petitioner is ready to appear before the Court below and cooperate with the disposal of the P.R.C.No.193 of 2023 and abide by the conditions which are going to be imposed by this Court. Hence, prayed for grant of bail.

4. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has been absconding since 2023 and hence, he is not entitled for grant of bail.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is accused No.3 in Crime No.106 of 2010 and it is not in dispute that in the said crime, the investigation officer after conducting investigation filed charge sheet and the same was numbered as P.R.C.No.193 of 2023 on the file of the learned XIV Additional Chief Judicial Magistrate, Hyderabad. The record further discloses that on 27.01.2023, the learned XIV Additional Chief Judicial Magistrate, Hyderabad, passed docket order wherein it is stated that accused No.1 is present and Police has filed report that whereabouts of accused Nos.2 and 3 are not known. Therefore, they could not serve summons to accused Nos.2 and 3. Therefore, issue NBW against accused Nos.2 and 3. Pursuant to the said order, NBW was issued to the petitioner on 20.12.2024 and the same was executed against the petitioner on 23.05.2025 and since then he is in judicial custody. The above said order clearly reveals that the petitioner did

not receive the summons from the Court below in P.R.C. No.193 of 2023.

6. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.3, subject to the following conditions:

- (i) The petitioner/accused No.3 shall execute a personal bond for a sum of Rs.20,000/-(Rupees twenty Thousand only) each with two sureties for a like sum each to the satisfaction of the XIV Additional Chief Judicial Magistrate, Nampally, Hyderabad.
- (ii) Upon such release, the petitioner/accused No.3 shall file a sworn affidavit before the Court below, undertaking to appear on each and every adjournment and to prosecute the proceedings in P.R.C. No.193 of 2023 and to represent the case through his counsel.
- (iii) After release, the petitioner/accused No.3 shall not leave the jurisdiction without permission of the concerned Court.
- (iv) The petitioner/accused No.3 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 02.07.2025

vsl