

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.912 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused in Crime No.33 of 2024 before the Pargi Police Station, Vikarabad District.

2. The brief facts of the case are a complaint was filed by Sri Komati Naresh, stating that on 01.02.2024, two villagers, Bavikadi Sai Teja and Shiva Kumar, died in a road accident involving his auto. On 08.02.2024, the family members of the deceased persons, allegedly holding a grudge, set fire to the complainant's house, burning his grocery store, goods, and other belongings, valued at Rs.50,000/-.

3. Heard Sri N. Krishna Sumanth, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that the complaint vaguely alleges that the petitioner and villagers burnt the house, without providing any basis or specific identification to

prove the petitioner's sole involvement. He further submitted that to attract Section 436 of the IPC, it must be proven that the accused intentionally caused wrongful loss or damage to the victim's property. However, the complaint fails to demonstrate that the petitioner committed any of these acts, and therefore, the offense under Section 436 of the IPC is not applicable. Therefore, prayed this Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner, stating that the allegations leveled against the petitioner are serious in nature. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. After considering the submissions made by both the learned counsel and reviewing the material available the record, this Court finds that there is no apparent connection between the petitioner and the victim, and the complaint does not mention the victim's family members. Furthermore, despite the case being registered on February 1, 2024, no charge sheet has been filed. As the material part of the investigation is completed and considering the facts and

circumstances of the case, the petitioner is granted pre-arrest bail subject to compliance of the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Pargi Police Station, Vikarabad District, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 31.01.2025
SAI

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.912 of 2025

Date: 31.01.2025
SAI