

THE HON'BLE SRI JUSTICE K.SUJANA

CRIMINAL PETITION No.13454 of 2024

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/Accused Nos.1 and 2 seeking bail in the event of their arrest in connection with Crime No.1168 of 2024 dated 01.10.2024 on the file of the Medipally Police Station, registered for the offences punishable under Sections 329(4), 324(4), 305(a) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The brief facts of the case are that the petitioners are owners of plot bearing No.3, admeasuring 665 square yards, situated at Boduppall Village, Medipally Mandal, Medchal-Malkajgiri District and the *de facto* complainant is the tenant of petitioners. Both the parties entered upon a lease agreement executing lease deed on 01.09.2017 for a period of 11 months, stipulating rent at the rate of Rs.27,000/- per month, thereafter, the *de facto* complaint

started his business in the said premises. It is further stated that *de facto* complainant defaulted in payment of rents for an amount of Rs.21,54,000/-, payable to the petitioners and when petitioners requested him several times to pay the arrears of rent and vacate the subject land, the *de facto* complainant failed to comply with the same due to which the petitioners issued legal notices terminating the tenancy under Section 106 of Transfer of Property Act and called upon *de facto* complainant to vacate the subject land. Thereafter, *de facto* complainant lodged complaint against the petitioners alleging that petitioners committed theft and damaged the machinery of his business.

3. On receipt of said complaint, the Police registered case against the petitioners for the offences punishable under Sections 329(4), 324(4), 305(a) read with 3(5) of BNS. Aggrieved thereby, this petition is filed.

4. Heard Sri E.Sreenivas Reddy, learned counsel for the petitioners, and learned Public Prosecutor for the respondent-State. Perused the record.

5. Learned counsel for the petitioners submitted that the petitioners are owners of the subject property and the *de facto* complainant is the tenant who has already vacated the premises, as such, there arises no question of petitioners committing the offence as alleged in their own property. Therefore, prayed this Court to allow the petition, granting anticipatory bail to petitioners.

6. Learned Public Prosecutor submitted that the investigation in the matter is under progress and the petitioners are absconding at present.

7. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the petitioners are owners of the subject land and keeping in view the fact that there is no illegal possession over the subject property at present as the *de facto* complainant has already vacated the same, this

Court deems it appropriate to grant relief of anticipatory bail to the petitioners, subject to following conditions:-

- 1) The petitioners/Accused Nos.1 and 2 are directed to surrender before the Station House Officer, Medipally Police Station, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 and 2 on pre arrest bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioners/Accused Nos.1 to 2 shall appear before the concerned police as and when required for the purpose of investigation.
- 3) The petitioners/Accused Nos.1 to 2 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.
Miscellaneous applications, if any pending in this
criminal petition, shall stand closed.

K. SUJANA, J

Date : 12.11.2024
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