

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13760 OF 2024

ORDER:

This criminal petition is filed by the petitioners – accused Nos.1 and 2 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in Crime No.150 of 2024 of Mulkalapalli Police Station, Bhadradi Kothagudem, registered for the offences under 296(b), 118, 351(2) read with 3 (5) of Bharatiya Nyaya Sanhitha (for short 'BNS').

2. The case of the prosecution, in brief, was that on 28.09.2024 at 17.00 hours, the *de facto* complainant came to the police station and lodged a report stating that A1, who was a resident of Chavitigudem colony was making calls to his wife and was messaging his wife. He requested him not to spoil his marital life. But, again on 29.07.2024 at 16.30 hours, A1 called his wife over phone. He advised him not to call her in future. On the next day, he along his father went to the house of A1 at Chavitigudem and found that they were not in the house. He found A1

along with his brother-A2 at CC road and discussed about the issue. All of a sudden, both the petitioners-A1 and A2 attacked him. At that stage, A1 had attacked him with a knife and tried to kill him. In that process, the *de facto* complainant sustained bleeding injuries to his hand. Both A1 and A2 also beat him with sticks. His father with the help of others rescued him. He went to his house and thereafter went to the police station. The police sent him to the hospital in an Ambulance to Government Area Hospital, Kothagudem and after taking treatment, he lodged the report. Basing on the said report, the above Crime was registered.

3. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submitted that there was a delay of two months in lodging the report. It was only an afterthought. The complaint was filed only to harass the petitioners and to defame them in the Society. No proper enquiry was conducted by the police in registering the case and prayed to grant anticipatory bail to the petitioners.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that there were specific overt acts stated by the *de facto* complainant in his report against the petitioners herein. Grave allegations were made against the petitioners stating that they attacked him with knife and sticks and caused grievous injuries to him.

6. Considering the facts and circumstances of the case wherein it was stated that the *de facto* complainant himself went to the village of the accused and it was reported that they were not found at the house, but found the petitioners at CC road and it was specified that they were carrying knives and sticks which appears to be *prima facie* unbelievable, as the petitioners could not be moving carrying knife and sticks without the knowledge of the *de facto* complainant approaching them. The delay of two months in lodging the report also raises a strong suspicion over the averments in the report given by the *de facto* complainant and that it was an afterthought. As such, it is considered fit to grant anticipatory bail to the petitioners.

7. In the result, the Criminal Petition is allowed and the petitioners-A1 and A2 shall be released on anticipatory bail subject to the following conditions:

- i) The petitioners-A1 and A2 are directed to surrender before the Station House Officer, Mulkalapalli Police Station, Bhadradi Kothagudem District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioners on bail, on their executing 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 said Station House Officer.
- ii) The petitioners-A1 and A2 shall abide by the conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending, shall stand closed.

November 29, 2024
KTL

Dr. G. RADHARANI, J