

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14736 of 2024

ORAL 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 petitioners, who are arrayed as accused Nos.3 to 16 in FIR.No.63 of 2024 on the file of the Rebbena Police Station, KB Asifabad District, registered for the offences punishable under Sections 147, 148, 307, 325, read with 149 of Indian Penal Code, 1860 (for short 'IPC').

2. The brief facts of the case are that the *de facto* complainant filed a private complaint alleging that the petitioners/accused obstructed and attempted to dispossess him of his land, despite lawful ownership and possession. The complainant contended that on 25-06-2023, the petitioners entered the land unlawfully, formed an unlawful assembly, and attacked the family of complainant, resulting in grievous injuries and two fatalities. It was stated that despite lodging complaints with the police, no action was

taken, leading the complainant to seek legal recourse under Section 200 Cr.P.C. The complaint was forwarded to the SHO, P.S. Rebbena, and a crime was registered for offences under Sections 147, 148, 307, and 325 of the IPC, with the petitioners arrayed as Accused Nos. 3 to 16, notably including two deceased individuals as Accused Nos. 1 and 2.

3. Heard Sri P.Lakshma Reddy, learned counsel for petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioners submitted that petitioners are innocent and have no knowledge of the alleged offence, and contended that they have been falsely implicated with concocted and baseless allegations, intending to abuse the process of law. He asserted that the complainant and his accomplices were the ones who formed an unlawful assembly, armed with deadly weapons, and launched a premeditated attack on the family members of the petitioners, resulting in the death of two family members and grievous injuries to several others. He lamented that the petitioners are eyewitnesses in the murder case, which was

registered against the complainant and his accomplices under Sections 302, 143, 147, 148, 307 r/w 149 IPC. The investigation and charge-sheet have established that the complainant and his accomplices committed the murder and grievous assault, and that the present crime registered against the petitioners is a counterblast to the ongoing murder case, driven by malice and vendetta. He divulged that the alleged incident occurred on 25-06-2023, but the FIR was registered only on 01-04-2024 i.e., after a delay of more than nine months, and that the said unexplained and unreasonable delay casts serious doubt on the credibility of the allegations. Therefore, while advocating that the custodial interrogation of the petitioners is not necessary, prayed the Court to grant pre-arrest bail to the petitioners by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations leveled against the petitioners are of serious nature and the averments placed on record would show that the victims

sustained grievous injuries. Therefore, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the alleged incident occurred on 25-06-2023, but the FIR was registered on 01-04-2024 i.e., after a delay of about nine months, and the injuries certificate filed by the learned Additional Public Prosecutor is dated 21-05-2024 i.e., after registration of FIR. Admittedly, the petitioners have lodged complaint against the complainant and the charge sheet in the said case is already filed. In view thereof, this Court deems it fit to grant pre-arrest bail to the petitioners, subject to compliance of following conditions, and ensuring their presence during the investigation and trial:

- i. The petitioners shall surrender before the Station House Officer of Rebbena Police Station, KB Asifabad 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.15,000/- with two sureties, for the like sum each.

- ii. The petitioners 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.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 10.12.2024
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