

**THE HONOURABLE SMT. JUSTICE K. SUJANA**

**CRIMINAL PETITION No.14872 of 2024**

**ORDER:**

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner in Crime No.886 of 2024 of Banjara Hills Police Station, Hyderabad.

2. The brief facts of the case are that on 08.09.2024, at 21.00 hours, the *de-facto* complainant lodged a report alleging that her own younger brother, who lived in same building, despite arguing with him for selling Ganesh idol and other items in the open land which is opposite to his home, beaten him. As a result, the *de-facto* complainant sustained bleeding injuries. Hence, a case was registered vide Crime No.886 of 2024 before the Banjara Hills Police Station, Hyderabad, for the offences punishable under Section 118(1) of BNS.

3. Heard Sri N.Vishal, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that without there being any corroborative evidence, the Police have altered the Section of law under Section 118(2) of BNS. He *lastly* submitted that previously, anticipatory bail applications of the petitioner *vide* Crl.M.P.No.5324 of 2024 was dismissed by the Additional Sessions Judge for the Trial of Communal Offence Cases – Cum – VI Additional Sessions Judge – Cum – XXI Additional Chief Judge, Hyderabad, on 27.11.2024, without valid reasons. Therefore, he prayed the Court to grant of anticipatory bail to the petitioner 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 injuries are grievous in nature and the investigation is not yet completed, therefore, granting of bail to the petitioner at this stage does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it is apparent that the *de-facto* complainant and petitioner are own brothers. Further, since

the injuries are simple in nature, the averments do not constitute the offences under Section 118(2) of the BNS. Pertinently, the disputes arose between the parties are property disputes and material part of the investigation is completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S.Banjara Hills, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08)

weeks or till filing of charge sheet  
whichever is earlier.

- iii. The petitioner shall abide by the other  
condition stipulated in Section 482(2)  
of Bharatiya Nagarik Suraksha  
Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand  
closed.

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**K. SUJANA, J**

Date: 12.12.2024  
gv

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