

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14908 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 petitioners who are arrayed as accused Nos.1 and 2 in Crime No.172 of 2024 of Elkathurthy Police Station, Warangal.

2. The brief facts of the case are that on 26.10.2024 at 18.30 hours the *de facto* complainant lodged a report stating that accused Nos.1 and 2 abused the him in filthy language due to land disputes and the accused No.1 beat him with sickle on his left hand , due to which he sustained severe bleeding injury and they also abused his wife and threatened him to kill. Hence, a case was registered vide Crime No.172 of 2024 before the Elkathurthy Police Station, Hyderabad, for the offences punishable under Sections 118(1), 351(2) read with 3(5) of BNS.

3. Heard Sri Medikonda Kondala Rao, learned counsel appearing on behalf of the petitioners 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 petitioners *firstly* submitted that the petitioners are innocent and they are no way concerned with the alleged offences. He *secondly* submitted that the alleged incident was occurred on 23.10.2024 but *de facto* complainant has given the report on 26.10.2024 with a delay of 3 days to falsely implicated the petitioners in this case. He *thirdly* submitted that the Police registered under Sections 118(1), 351(2) read with 3(5) and thereafter which were altered as Sections 118(2), 351(2) read with 3(5) of BNS. He *lastly* submitted that previously, anticipatory bail applications of the petitioners *vide* CrI.M.P.No.450 of 2024 was dismissed by the Principal Sessions Judge, Hanumakonda, on 25.11.2024, without valid reasons. Therefore, he prayed the Court to grant of anticipatory 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 petitioners stating that the injuries are grievous in nature and the investigation is not yet completed, therefore, granting of

bail to the petitioners at this stage does not arise and 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 disputes between the parties are civil disputes and there is a delay of three days in filing the complaint and *de facto* complainant and petitioners are relatives and witnesses were examined and material part of the investigation is also 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 petitioners.

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

- i. The petitioners shall surrender before the Station House Officer of P.S.Elkathurthy, 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 petitioners 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 petitioners 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.

K. SUJANA, J

Date: 12.12.2024

gv

2996

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14908 of 2024

Date: 12.12.2024

gv