

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15234 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 who is arrayed as accused No.5 in Crime No.376 of 2024 of Habeebnagar Police Station, Hyderabad.

2. The brief facts of the case are that on 01.11.2024, at 8:30 hours, a complaint was received from Arjun Singh, stating that on 31.10.2024, at around 11:30 PM, his sons Akash and Dhanraj were attacked by relatives, including Anand Singh, Bablu @Vamshi, Banti, Deepu, Sandeep Ram, Yogesh, Jatin, Vishal, and Abhishek, while lighting crackers. The attackers used hands, rods, knives, and wooden sticks, injuring Arjun Singh, his wife Durga Bai, daughter Rajnandini, and sons Akash and Dhanraj. Based on the complaint, a case was registered vide Crime No.376 of 2024 before the Habeebnagar Police Station, Hyderabad, for the offences punishable under Sections 109, 191(2), 191(3),

118(1), 351(2), 79 read with 190 of BNS and Section 25(1)(A) of Arms Act, 1959.

3. Heard Sri T.G.Suresh Lal, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that during the investigation, the police arrested the *de facto* complainant and seized a dagger. The complainant and his family members were examined, and their statements were recorded. They were also treated at Osmania General Hospital as outpatients. He further submitted that the allegations against the petitioner is false and vague, with no specific allegations or overt acts and that they were seriously beaten by the complainant and his family members, resulting in grievous injuries. The petitioner is residents of Hyderabad, and some of them are students or have families with school-going children. He further submitted that the police are trying to arrest and detain them illegally, stating that he is involved in non-bailable offence cases. He further submitted that petitioners Nos.2 to 8/accused Nos.6 and 12 were already released on anticipatory bail *vide* Crl.P.No.14715 of 2024,

dated 06.12.2024. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. Learned Additional Public Prosecutor countered that serious allegations have been made against the petitioner, and the investigation is ongoing. The police have collected medical reports of the injured persons, which reveal that some sustained simple injuries, while others suffered grievous injuries. Accused Nos.2 and 4 have been arrested, while the remaining accused are absconding. Therefore, he prayed that the Court dismiss the criminal petition.

6. After considering the submissions made by both the learned counsel and a perusal of the material available on record, it apparent that the alleged offence occurred on Diwali, when a dispute broke out between the complainant and the accused while lighting crackers, resulting in injuries to both parties. Since both parties have filed cases against each other and petitioner Nos.2 to 8/accused Nos.6 to 12 were already granted anticipatory bail by this Court and the material part of the investigation is completed, the Court deems it fit to grant pre-arrest bail to the petitioner/accused No.5 with the following conditions:

- i. The petitioner No.5 shall surrender before the learned XVI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, within two weeks from today, and on such surrender, the said trial Court shall release them on bail on executing a personal bond for Rs.10,000/- with two sureties, for the like sum each.
- ii. The petitioner No.5 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, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 18.12.2024

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