

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15717 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting of pre-arrest bail to the petitioner who is arrayed as accused No.1 in Crime No.280 of 2024 of CCC Naspur Police Station, Ramagundam.

2. The brief facts of the case are that on 14.11.2024, at 13.00 hours, the *de-facto* complainant lodged a report alleging that the accused person by keeping old issues in mind picked quarrel with husband of the *de-facto* complainant abused him in filthy language, pushed him to ground and beat with hands and stone on his face indiscriminately. As a result, the husband of the *de-facto* complainant sustained bleeding injuries to his nose. Hence, a case was registered vide Crime No.280 of 2024 before the CCC, Naspur, Ramagundam, for the offences punishable under Section 296(b), 115(2) 118(2) read with 3(5) of BNS.

3. Heard Sri K.Venumadhav, 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 when the petitioner approached this Court by filing writ petitioner in W.P.No.35432 of 2024, with a prayer to declare the action of the Station House Officer in harassing the petitioner without issuing notice under Section 35(3) of BNSS and at the time of hearing the Government Pleader for Home reported to this Court that, the Section of Law is added i.e., 118(2) of BNS and also enclosed a medical report issued by the medical officer, who treated the husband of the de-facto complainant, even as per the said medical report the injuries are shown are simple but the doctor in the column No.4 whether to show the injuries are simple or grievous, it is written as grievous, in the column of what kind of weapon used i.e., in column No.3, it is shown as with bare hands fist, it clearly shows that no such weapon is used by the petitioner and even though the injuries are simple, but the doctor instead of showing the injury as simple but written as grievous, basing on which the said Section 118(2) of BNSS is added. 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 injuries are grievous in nature, where as the weapon is used the averments of the complaint *prima facie* do not constitute the offences under Section 118(2) of the BNS. Pertinently, the 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.CCC,
Naspur, Ramagundam
Commissionerate, Mancheria 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.

K. SUJANA, J

Date: 26.12.2024

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