

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.164 of 2025

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.1 in Crime No.1570 of 2024 of Hayathnagar Police Station, Rachakonda.

2. The brief facts of the case are that on 21.12.2024 at 15.00 hours, received a complaint from *de-facto* complainant stating that his marriage was performed with accused on 11.02.2023. Thereafter, the disputes arose between them regularly. Out of which, on 10.12.2024, accused shouted at him in filthy language and physically attacked him and also blackmailing him by filing criminal cases against him and his father. Hence, a case was registered vide Crime No. No.1570 of 2024 of Hayathnagar Police Station, Rachakonda, for the offences punishable under Sections 115(2), 351(2), 352 of BNS.

3. Heard Sri Amaragani Malsoor, 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 she is no way concerned with the alleged offences. He *secondly* submitted that the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years. He *thirdly* submitted that even petitioner also filed report the Police against *the de-facto* complainant, but no case was registered against him and there is no criminal antecedent against this petitioner. 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 offences alleged against the petitioner is less than seven (07) years and requested to this Court to direct the Investigating Officer to follow the procedure laid down under Section 35 (3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') previously section 41-A of Criminal Procedure Code and also the guidelines formulated by the Hon'ble Supreme Court of India in ***Arnesh Kumar v.***

State of Bihar¹ scrupulously and the investigation is not yet completed, therefore, granting of bail to the petitioner 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 the averments of the petition shows that the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years. It is pertinent to note that 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.Hayathnagar, Rachakonda, within two weeks from today, and on such surrender, the said Station House

¹ (2014) 8 SCC 273

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: 09.01.2025

gv

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