

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.502 of 2025

ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioners who are arrayed as accused Nos.1 to 3 in Crime No.115 of 2024 before the Bellampalli II Town Police Station, Ramagundem Commissionerate, Mancherial District, on bail.

2. The brief facts of the case are that on 08.12.2024, at 9:00 PM, Asha Mallamma, the complainant, lodged a complaint stating that her son, Asha Santhosh Kumar, was attacked by his friends i.e., petitioners and others, over a discussion about money made in the real estate business. The altercation led to petitioner No.1 stabbing the victim on the right side of his chest with a knife, and petitioner Nos.2 and 3 beating him with a beer bottle on the head. The victim was hospitalized with blood injuries on his chest, nose, jaw, and head. The complainant alleges that the attack was pre-planned with an intention to kill her son. On receipt of the said complaint, the Police registered crime against the

petitioners for the offences punishable under Sections 109 read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'). Aggrieved thereby, this criminal petition is preferred.

3. Heard Mr. K.Venu Madhav, learned counsel for petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioners submitted that the dispute between the parties originated from a disagreement over sharing of amounts received from a real estate business between petitioner No.2 and A. Santhosh Kumar, the son of the de-facto complainant. He contended that the dispute was limited to the extent of sharing of amounts and that there was no intention to cause harm or kill the victim. He lamented that false accusations were made against all the petitioners, including the contention that they attacked the victim with beer bottles. He averred that petitioners were arrested and remanded to judicial custody on 09.12.2024 and that the investigation Officer had already examined seven witnesses, and by now, the entire investigation might have been completed. He asserted that a previous bail petition filed by

the petitioners was dismissed without reasons on 06.01.2025. Therefore, prayed this Court to grant bail to the petitioners by allowing this Criminal Petition.

5. Learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioners and submitted that the allegations leveled against the petitioners are of serious nature, as such, the question of granting bail to the petitioners at this stage, does not arise. Therefore, prayed this Court to dismiss the Criminal Petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the petitioners are in jail from 09.12.2024 and the investigating Officer has already examined nine witnesses. Further, the victim is also discharged from the hospital. Considering the same, this Court deems it fit to grant bail to the petitioners, subject to following the below conditions:

- i. The petitioners shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two

sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class, at Bellampalli, Mancheri District.

- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioners shall abide by the conditions stipulated in Section 482(2) of BNSS (previously known as Section 437(3) of Cr.P.C.).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.01.2025
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