

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.798 of 2025

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.1 in Crime No.240 of 2024 of Lalguda Police Station, Hyderabad.

2. The brief facts of the case are that on 26.12.2024, at 10:00 AM, Sri Islavath Chandu Nayak, filed a complaint stating that on 25.12.2024, at around 8:00 PM, he received a call from his friend Suman, a receptionist at Oyo Room (Happy Homes) in Vijayapuri Colony, Tarnaka. Suman invited Chandu to join him for a drink as he was celebrating his birthday. Chandu went to the location with his cousin Yuva Nayak, and they consumed alcohol on the terrace. Later, Suman took them to his restroom on the ground floor, where they met Sravan, another receptionist, and his friends Bhagya Raj and Tanishq. An argument ensued when Bhagya Raj humiliated Yuva, who was interested in learning boxing. The situation escalated, and Chandu intervened, confronting Bhagya Raj. However, Bhagya

Raj, Sravan, Tanishq, and Suman started beating them, and they even used a kitchen knife to intimidate them and extort their mobile phones. Chandu and Yuva managed to escape and requested necessary action be taken.

3. Heard Sri T. Praveen Kumar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioners submitted that the Petitioner is a law-abiding citizen with no prior criminal record, has been falsely implicated in the subject crime for alleged offences. He further submitted that the Petitioner denies all the allegations stating that the complainant's claims are false, baseless, and concocted to shield his own criminal acts. The Petitioner claims to be the victim of a malicious complaint, having suffered serious injuries at the hands of the complainant, as evidenced by medical records. The Public Prosecutor has stated no objection to the grant of anticipatory bail, and the order of the trial court in dismissing the same is erroneous. Therefore, he prayed the Court to grant pre-arrest 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 allegations leveled against the petitioner are serious in nature. If the petitioner is released on pre-arrest bail, at this stage, he may tamper with the evidence and may threaten the witnesses. Therefore, he prayed the Court to dismiss the criminal petition.

6. Upon consideration of the submissions made by both learned counsel and a review of the material available on record, this Court observes that the Public Prosecutor in the trial court has filed a counter affidavit stating that they have no objection to the grant of anticipatory bail to the petitioner. A review of the record reveals that the petitioner initially filed a complaint against the de facto complainant, which was followed by a counter complaint filed by the de facto complainant against the petitioner. Notably, the petitioner sustained a stab injury allegedly inflicted by the de facto complainant. Considering the facts and circumstances of the case, and given that the material part of the investigation is completed, this Court deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Lalaguda Police Station, Hyderabad, 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 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.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 29.01.2025
SAI

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