

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1734 of 2025

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting of pre-arrest bail to the petitioners/accused Nos.1 to 3, 5 and 6 in Crime No.509 of 2024 of Nizamabad I Town Police Station, Nizamabad.

2. The brief facts of the case are that on 05.12.2024, at about 15:30 hours, the accused persons besides illegally trespassing into the house of the *de-facto* complainant, also beaten the *de-facto* complainant and her son mercilessly abusing them in filthy language and threatened them with dire consequences. As a result, the *de-facto* complainant and her son sustained bleeding injuries. Hence, a case was registered *vide* Crime No.509 of 2024 before the Nizamabad I Town Police, Nizamabad, for the offences punishable under Sections 329(4), 292, 118(1) and 351(3) read with 3(5) of the BNS.

3. Heard Sri Syed Yousuf Syed Omer, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar

Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners *firstly* submitted that the petitioners are innocent and they are no way concerned with the alleged offences. He *secondly* submitted that there is family dispute between the parties. He *thirdly* submitted that though there is no corroborative evidence, the petitioners were implicated in the case with false and fabricated allegations. He *fourthly* submitted that except omnibus allegations, there are no specific allegations against the petitioners. He *lastly* submitted that the petitioners are residents of Nizamabad, with movable and immovable properties, and are willing to furnish sureties as directed and prayed the Court to grant anticipatory bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor submitted that the investigation is not yet completed, therefore, granting anticipatory bail to the petitioners, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the submissions made by both the parties and a perusal of the material placed on record, *prima facie*, it is apparent that there is family dispute between the

parties. It is noteworthy that accused Nos.1 to 3 illegally trespassed into the house of the mother-in-law of accused No.5 i.e, the *de-facto* complainant and beaten the *de-facto* complainant and her son over a family dispute. Hence, this Court is not inclined to grant anticipatory bail to petitioner Nos.1 to 3/accused Nos.1 to 3. However, since the material part of the investigation is completed, this Court deems it fit and proper to grant anticipatory bail to petitioner Nos.4 and 5/accused Nos.5 and 6.

7. Accordingly, this petition is partly allowed granting anticipatory bail to the petitioner Nos.4 and 5/accused Nos.5 and 6 subject to the following conditions:

- i. Petitioner Nos.4 and 5/accused Nos.5 and 6 shall surrender before the Station House Officer of Nizamabad I Town Police Station, Nizamabad, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. Petitioner Nos.4 and 5/accused Nos.5 and 6 shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 10 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. Petitioner Nos.4 and 5/accused Nos.5 and 6 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.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 20.02.2025
gms

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