

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2043 of 2025

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 petitioners, who are arrayed as accused Nos.1 to 3 in Crime No.16 of 2025 on the file of the Judicial Magistrate of First Class, at Dubbaka, Siddipet District, registered for the offences punishable under Sections 109 read with 3(5) of BNS.

2. The brief facts of the case are on January 13, 2025, Sampangi Prabhakar, a 28-year-old laborer, was attacked with an axe by petitioners, i.e., Sampangi Ashok, who was aided by his wife Vimala and sister Kuncham Kalavathi, in Wadder Colony, Balwanthapur village, Dubbak mandal. The attack occurred after a discussion regarding a "chitti matter" between Prabhakar and his caste persons. Prabhakar was severely injured and was hospitalized first at Government hospital, Dubbaka and later referred to Government hospital, Siddipet for better treatment.

On January 19, 2025, Prabhakar filed a complaint at the police station from the hospital, leading to the registration of Crime No. 16 of 2025 against the petitioners/Accused Nos.1 to 3. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Sri T.Basavaiah, learned counsel for petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely implicated in the case which is based on a false and concocted story. He pointed out that the complaint was filed after a delay of 5 days without any medical evidence to support the claim of hospitalization. He asserted that the petitioners are willing to cooperate with the investigation and are ready to abide by any conditions imposed by the Court, and reiterated that they have no bad antecedents, are law-abiding citizens, and have a permanent address, making them unlikely to tamper with evidence or jump bail. Therefore, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor submitted that the allegations leveled against the petitioners are serious in nature as the case pertains to offence punishable under Section 109 of BNS. Therefore, while advocating that the custodial interrogation of petitioners is necessary, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made, on going through the material placed on record, it is noted that there were disputes between the parties and though the allegations leveled against the petitioners are under Section 109 read with 3(5) of BNS, and the alleged incident took place on January 13, 2025, the same was reported on January 19, 2025 with a delay of five days. Further, the injuries sustained are simple in nature. Therefore, this Court deems it fit to grant pre-arrest bail to the petitioners subject to compliance of the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Dubbaka Police Station, Siddipet District, 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/-(Rupees Twenty Five Thousand only) each, with two sureties, for the like sum each.

- ii. The petitioners 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 petitioners shall appear before the concerned Investigating Officer on every Monday and Thursday 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: 21.02.2025
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2043 of 2025

Date: 21.02.2025

PT