

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PTITION No.2423 OF 2025

ORAL ORDER:

Heard Sri T. Rahul, learned counsel for the petitioners and Sri S. Prashanth, learned Assistant Public Prosecutor.

2. This petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for Short "BNSS"). Petitioners herein are accused in Crime No.145 of 2024. The offences alleged against the petitioners are under Sections 189 (2), 191 (3), 126 (2), 127 (2), 132, 109 read with 190 of the Bharatiya Nyaya Sanhitha, 2023 (for Short "BNS"). On the complaint lodged by Sri Rathod Kannaiah, Police Constable of P.S. Bomraspet, investigating officer has registered a case in Crime No.145 of 2024 for the aforesaid offences.

3. In the complaint dated 25.10.2024, the names of the petitioner Nos.1 to 4 are not there. 5th petitioner name is there but, there are no specific allegations or overt acts against petitioner herein. The role played by him in commission of the offences alleged, is also not explained.

LW-4 is the victim. His statement was recorded after 3 days of the incident. He has not lodged any complaint with the police. None of the witnesses specifically spoke about the role played by the petitioners. Basing on the statements of LW-4 to LW-7 investigating officer in Crime No.145 of 2024 included the names of petitioner Nos.1 to 4 in the said crime. LW-4 himself is a victim. LW-5 is his driver. LW-6 and LW-7 are villagers of Dudyal and Lagecherla villages. They have not stated anything against the petitioners herein. The allegations made against the petitioners are general in nature.

4. Perusal of the complaint in Crime No.145 of 2024 would reveal that police have registered the said crime on 25.10.2024 at 09:30 hours and the alleged incident was at 08:00 AM. De facto complainant is a Police Constable of the very same police station. Even then there is delay of 3 days in lodging the complaint. LW-1 to LW-3 are Police Constables of the very same police station. L.Ws.6 and 7 stated that on coming to know the said incident, they went to the village and they came to know about the incident.

Except LW-5 none of them are eye witnesses. As discussed supra, LW-5 is driver of LW-4/victim, and he did state specifically as to the role played by the petitioner in commission of offences. Allegations made by him are general in nature.

5. Learned Assistant Public Prosecutor on instructions would submit that there are 17 accused in the present crime and investigating officer has recorded the statements of 7 witnesses.

6. Perusal of the record would reveal that on the complaint lodged by Sri Sevy Naik, who is A-4 in the subject crime, Crime No.144 of 2024 was registered against LW-4/victim (victim in this case) for the offences punishable under Sections 352, 351 (2) BNS and Section 3 (1) (r) (s) of Scheduled Caste & Scheduled Tribe (POA) Act, 1989. According to him police implicated the petitioners in the present case falsely. Investigation in the said crime is pending.

7. Vide order dated 23.12.2024 in CrI.P.No.14343 of 2024 this Court granted anticipatory bail to A-1 in the

subject crime on imposition of certain conditions. Vide order dated 13.02.2025, this Court granted bail to A-1 to A-9 and others in the subject crime on imposition of certain conditions. Petitioners herein are agriculturists.

8. Learned counsel for the petitioners would contend that investigating officer in the subject crime registered Crime Nos.153, 154, 155 of 2024 with regard to incident occurred on 11.11.2024 and police tortured the accused. Due to the said torture, male persons of three villagers were not residing in the said villages. Third degree methods were used on them.

9. As discussed supra, there are no specific overt acts against the petitioners herein. Except the name of 5th petitioner, petitioner Nos.1 to 4 names are mentioned in the complaint. Therefore, the petitioners herein are also standing on the very same footing of petitioner Nos.1 to 9 and other accused. Therefore, to maintain parity, they are also entitled for anticipatory bail.

10. Accordingly, this Criminal Petition is allowed directing the Investigating Officer in Crime No.145 of 2024 of

Bomraspet Police Station, Vikarabad District, to release petitioners in the event of their arrest in the subject crime on the following conditions:

i) Petitioners shall execute personal bonds for a sum of Rs.5,000/- (Rupees Five Thousand Only) each, with two sureties each, for a like sum each, to the satisfaction of Investigating Officer in the subject crime;

ii) Petitioners shall appear before the Investigating Officer in respect of the subject crime once in a week i.e., every Sunday or Monday, between 10:00 A.M. and 05:00 P.M till completion of investigation and filing of final report;

iii) They shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation;

iv) They shall not interfere with the investigation or influence the Investigating Officer in any manner;

v) They shall not involve in any similar offence or in any criminal act which will be prejudicial to fair and expeditious trial; and

vi) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

As a sequel, the miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

28th February, 2025
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