

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2676 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, 3 to 5 in Crime No.01 of 2025 of Ghatkesar Police Station, Medchal Malkajgiri District.

2. The brief facts of the case are that on 01.01.2025, at about 18:00 hours, the *de-facto* complainant, along with his driver, was proceeding towards Amberpet in his vehicle i.e., Ashok Leyland with cattles loaded and when he reached near underpass on highway, the accused persons besides beating the *de-facto* complainant mercilessly by obstructing his vehicle, also demanded cash of Rs.1,12,000/-. Hence, a case was registered *vide* Crime No.01 of 2025 before the Ghatkesar Police, Medchal Malkajgiri District, for the offences punishable under Sections 109(1), 308(2), 126(2) read with 3(5) of the BNS and Section 24(1)(a) of Arms Act.

3. Heard Sri G.Vinod Kumar, 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 the *de-facto* complainant is habitual offender and he is transporting the cattles to illegal slaughter. He *thirdly* submitted that the petitioners are residents of Medchal Malkajgiri District, with movable and immovable properties, and are willing to furnish sureties as directed. He *lastly* submitted that previously bail applications of the petitioners *vide* Crl.M.P.Nos.38 and 48 of 2025 were dismissed by the I Additional Sessions Judge, Medchal Malkajgiri District at Kushaiguda, on 10.02.2025 and prayed the Court to grant anticipatory bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor submitted that the *de-facto* complainant sustained grievous injuries and also 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 accused No.1 beaten the *de-facto* complainant, due to which, he sustained severe injuries and even as per the injury certificate, the nature of injuries sustained by the *de-facto* complainant are grievous in nature. It is noteworthy that though the name of accused No.1 was mentioned in the FIR, names of accused Nos. 3 to 5 were not mentioned in the FIR. Hence, this Court is not inclined to grant anticipatory bail to petitioner No.1/accused No.1. However, since the names of the petitioner Nos.2 to 4/accused Nos.3 to 5 were not mentioned in the FIR and also material part of the investigation is completed, this Court deems it fit and proper to grant anticipatory bail to petitioner Nos.2 to 4/accused Nos.3 to 5.

7. Accordingly, this petition is partly allowed granting anticipatory bail to the petitioner Nos.2 to 4/accused Nos.3 to 5 subject to the following conditions:

- i. Petitioner Nos.2 to 4/accused Nos.3 to 5 shall surrender before the Station House Officer of Ghatkesar Police Station, Medchal Malkajgiri 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/- with two sureties, for the like sum each.

- ii. Petitioner Nos.2 to 4/accused Nos.3 to 5 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.2 to 4/accused Nos.3 to 5 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: 03.03.2025
gms

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