

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3170 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.1, 3 to 7 in Cr.No.54 of 2025 of CCC Naspur, Ramagundam Commissionerate, Mancherial District, registered for the offences punishable under Sections 223, 132, 189(2), 351(3), 121 r/w.190 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution, in brief, is that the de-facto complainant lodged a complaint against the petitioners stating that on 27.02.2025 at around 11.30 hours, while he was on duty at Office of Assistant Commissioner of Police at Mancherial, ACP Mancherial, he received information that a squabble took place at Polling Station No.(25), Mandal Parishad

Primary School in Teegal Pahad, Naspur and when he along with ACP Mancherial reached the spot, the accused, who are BJP activists proceeding towards the polling station and illegally crossing the 100-yard Line of Control placed polling center and when the de-facto complainant tried to stop them and told them that Section 189 BNS was in force and not to form a group and stay outside of the Line of Control, accused pelted stones on de-facto complainant, while he was protecting ACP, Mancherial, resulting which, he sustained grievous injuries. Basing on the said complaint, a case was registered in Crime No.54 of 2025.

3. Heard Sri Sanjeev Reddy Gillella, learned counsel for petitioners and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submits that the petitioners have not committed any offence and they

were falsely implicated in the present crime. He further submitted that initially, the crime was registered under Sections 223, 132, 189(2), 351(3) r/w. 190 of BNS and the above said offenses are below seven years imprisonment. The Investigating Officer, only with an intention to harass the petitioners, Section 121(2) of the Act was included though the said section is not applicable.

5. He further submitted that the petitioners are ready and willing to cooperate with the investigation and also, they will abide by the conditions, which are going to be imposed by this Court.

6. *Per contra*, learned Additional Public Prosecutor submits that the investigation is under progress and the victim sustained grievous injuries. If the petitioners are enlarged on anticipatory bail, there is every chance to influence the witnesses and to

interfere with the investigation and hence, prayed to dismiss the petition.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that in Crime No.54 of 2025 registered on 27.02.2025, initially, offences under Sections 223, 132, 189(2), 351(3) r/w.190 of BNS were registered, subsequently, Section 121(2) of BNS was included.

8. During the course of hearing, learned counsel brought to the notice of this Court that on the very same allegations, other three crimes were registered wherein this Court disposed of the criminal petitions namely, CrI.P.Nos.3145, 3146 and 3155 of 2025 directing the Investigating Officer to follow the procedure laid down under Section 35(3) of BNSS (Previously Section 41-A of Cr.P.C.) and also the

guidelines of Hon'ble Supreme Court in "**Arnesh Kumar v. State of Bihar and another**¹".

9. Taking into consideration of the facts and circumstances of the case, this Court is of the considered view that petitioners/accused No.1, 3 to 7 are entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioners/accused Nos.1, 3 to 7 shall surrender before the Station House Officer, CCC Naspur, Ramagundam Commissionerate, Mancherial District, on or before 18.03.2024, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1, 3 to 7 on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each, for the like sum each.
2. The petitioners/accused Nos.1, 3 to 7 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier for

¹ (2014) 8 SCC 273

the purpose of investigation and thereafter, as and when required.

3. The petitioners/accused Nos.1, 3 to 7 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

10. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.03.2025

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