

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3213 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 petitioner/accused in Crime.No.33 of 2025 on the file of the P.S. Gudihatnoor, Adilabad District, registered for the offences punishable under Section 105 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 24.02.2025, the complainant lodged a complaint stating that, on 21.02.2025, at noon his brother/deceased Bekkam Rakesh, left to Gudihatnoor and not returned back till night, then complainant communicated to his relatives and asked about his brother through phone, but in vein. Complainant called to deceased, but deceased phone was switched off and on 24.02.2025 at 10.00 hrs one Suryavamshi Govind went to cultivating land and found one unknown male dead body near the Solar current fencing wire beside the cultivating land of petitioner and went near the dead body and seen which is

decomposed. Immediately, the said person informed the same to Lingapur villagers, then complainant, deceased mother, relatives and villagers went there and found one dead body, which is laid on left side, which is swelled, oozing liquids. With dress code, the dead body was identified as complainant's brother/deceased i.e., Bekkam Rakesh. Further complainant stated that, even though knowing the fencing Solar power around the agriculture field is endangerous to life, petitioner fenced Solar power fencing around his lease cultivating land, due to his negligence the complainant's brother/deceased fell on said solar fencing and died. Basing on the same a case was registered in Crime No.33 of 2025.

3. Heard Sri Ravi Kiran Reddy, learned counsel for petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. He further submitted that the petitioner is neither the owner of the subject property covered by Sy.No.53/2 nor cultivating the said land as tenant and the offences alleged against the petitioner/accused are not at all attracted. He further submitted

that petitioner is ready to cooperate with the investigation and also ready to abide the conditions, which are going to be imposed by this Court and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that specific allegations are leveled against the petitioner/accused and investigation is under progress and if the petitioner/accused is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. This Court considered the rival submissions made by the respective parties and perused the material available on record. According to the learned counsel for the petitioner, the petitioner is neither owner of the subject property nor he is cultivating the subject property as tenant.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused shall surrender before the Station House Officer of P.S. Gudihatnoor, Adilabad

District, on or before 22.03.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for the like sum each.

2. The petitioner/accused No.2 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 the purpose of investigation and thereafter, as and when required.
 3. The petitioner/accused 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.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 18.03.2025
vsl