

THE HONOURBLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3253 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.4 seeking anticipatory bail in Crime No.104 of 2025 of Sathupalli Police Station, Khammam District, for the offence punishable under Section 318(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2003 (BNS).

2. Heard Mr. C. Sharan Reddy, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 25.02.2025 at about 5.00 p.m., the Sub Inspector of Police, Sathupalli Police Station, along with his staff was on patrolling duty, accused Nos.1 to 4 were apprehended while they were illegally transporting the Clay from Prakash Nagar to Gangaram Village in a Tipper bearing No.AP 31 TP 2246, without any valid license or permission from the Government authorities, for gaining easy money. The police conducted panchanama and accused No.1, driver of the Tipper, confessed that he has been working for accused No.2 for the past one month and accused No.2 asked him to transport the mud to

the construction site of accused No.4 and accordingly he is doing so with the help of accused No.3. The police found 20 tonnes of clay in the lorry worth about Rs.20,000/-. Hence, the complaint.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the crime due to the political rivalry. The ingredients of Section 318 (4) of the BNS are not applicable to the facts and circumstances of the case. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. Learned Additional Public Prosecutor submitted that there are specific allegations against the petitioner. If the petitioner is enlarged on anticipatory bail, there is every chance to influence the witnesses and interfere with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, *prima facie* it reveals that there are no specific allegations levelled against the petitioner to attract the provisions of Section 318 (4) of the BNS. Taking into consideration the facts and

circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.4 with the following conditions:

- (i) The petitioner is directed to surrender before the S.H.O., Sathupalli Police Station, Khammam District, on or before 18.03.2025 and on such surrender, he shall be enlarged on bail on executing a personal bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) with two sureties for a like sum each.
- (ii) On such release, the petitioner shall appear before the S.H.O., Sathupalli Police Station, Khammam District, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) The petitioner shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 12.03.2025

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