

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3336 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners, who are arrayed as accused Nos.1 to 3, seeking anticipatory bail in Crime No.509 of 2024 of Nizamabad-I Town Police Station, for the offences punishable under Sections 329(4), 292, 118(1), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Smt.Durdana Begum, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 05.12.2024 at about 15-30 hours, the accused persons besides illegally trespassing into the house of the *de-facto* complainant, also beaten the *de-facto* complainant and her son mercilessly by abusing them in filthy language and threatened them with dire consequences. As a result, the *de-facto* complainant and her son sustained bleeding injuries. Hence, a case was registered *vide* Crime No.509 of 2024 before the Nizamabad I Town Police,

for the offences punishable under Sections 329(4), 292, 118(1), 351(2) read with Section 3(5) of BNS.

4. Learned counsel for the petitioner submitted that the petitioners have not committed the alleged offence and they have been falsely implicated in the present crime. She further submitted that Sections 329(4), 292, 118(1), 351(2) read with Section 3(5) of BNS are not attracted to the petitioners and there are disputes between the petitioners and *de-facto* complainant and keeping the same in mind, this case was foisted against the petitioners with an intention to harass them.

5. She further submitted that petitioner No.1 is suffering with health problems and petitioner Nos.2 and 3 are eeking out their livelihood by doing small private works and the petitioners are only the bread winners to their family members. The petitioners are ready to cooperate with the investigation and they will abide by the conditions, which are going to be imposed by this Court. She also submitted that other accused were already enlarged on bail.

6. Learned Assistant Public Prosecutor submitted that the investigation is not yet completed and the victim sustained grievous injuries and therefore, if the petitioners are granted

anticipatory bail, there is every chance to influence the witnesses and to interfere with the investigation.

7. 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 petitioners, the other accused were already released on bail and the same was not disputed by the learned Additional Public Prosecutor. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

- (i) Petitioners/accused Nos.1 to 3 are directed to surrender before the S.H.O., Nizamabad-I Town P.S. on or before 19.03.2025 and on such surrender, they shall be enlarged on bail on each of them executing a personal bond for a sum of Rs.15,000/-(Rupees Fifteen thousand only), with two sureties for a like sum each.
- (ii) On such release, petitioners/ accused Nos.1 to 3 shall appear before the S.H.O., Nizamabad-I Town Police Station 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) Petitioners/accused Nos.1 to 3 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.03.2025
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