

THE HONOURBLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3401 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.1 seeking anticipatory bail in Crime No.273 of 2024 of Kataram Police Station, Jayashankar Bhupalapally District, registered for the offence punishable under Section 109 read with 3(b) of the Bharatiya Nyaya Sanhita, 2003 (BNS).

2. Heard Mr. A. Praneeth, 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 23.12.2024 at about 21.00 hours, the *de facto* complainant lodged a complaint stating that on the same day at about 13.00 hours there was a quarrel took place between Bommana Malla Reddy and accused No.1 and on seeing that he went there and stopped the said quarrel and sent them. On the same day, at about 21.00 hours, while the *de facto* complainant was talking to his friends Nishanth, Naveen Yadav, Chimala Madhav at Nishanth's house in Ippalagudem, accused Nos.1 to 3 came to him and attacked with an axe with an intention to kill him, as he was supporting to Bommana Malla

Reddy, and he escaped from there. Hence, take action against the accused persons.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the crime. The ingredients of Section 109 of the BNS are not attracted against the petitioner. The *de facto* complainant lodged the complaint on 26.12.2024 and prior to lodging of the complaint, the petitioner has lodged a complaint on 24.12.2024 against Bommana Malla Reddy and others, and the same was registered as Crime No.272 of 2024. At the instance of accused therein, the *de facto* complainant filed the present crime against the petitioner, as a counter blast. 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 the investigation is not yet completed. The petitioner is involved in grave offence. 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, it reveals that the petitioner lodged a complaint against Bommana Malla Reddy on 24.12.2024 and the same was registered as Crime No.272 of 2024 for the offences under Sections 296, 118(1) read with 3(5) of the BNS and Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2005 and subsequently, the present crime is registered i.e., on 26.12.2014, against the petitioner and others. The record further reveals that there is case and counter case between the parties. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) The petitioner is directed to surrender before the S.H.O., Kataram Police Station, Jayashankar Bhupalapally District, on or before 29.03.2025 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., Kataram Police Station, Jayashankar Bhupalapally 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: 24.03.2025

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