

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3520 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.2 & 3, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.29 of 2025 on the file of Zaffergadh Police Station, Warangal District, Warangal Police Commissionerate, registered for the offences punishable under Sections 331 (3), 324 (4), 305 of Bharatiya Nyaya Sanhita (BNS).

2. Heard Mr. G. Anil Kiran Kumar, learned counsel for the petitioners (accused Nos.2 & 3) and learned Additional Public Prosecutor appearing for respondent /State.

3. The case of the prosecution is that on 01.03.2025, at 2:00 PM, A1 to A3 criminally trespassed into the house of informant and damaged the house hold articles worth of Rs.5000/-. Further, they also committed theft of Bhor motor. Hence, upon the report of the informant, the case was

registered. Though, all the offences are punishable with imprisonment of less than 7 years, A1 was remanded to judicial custody on 07.03.2025. Hence, there is a threat of arrest to the petitioners.

4. Learned counsel for the petitioners/accused Nos.2 & 3 submits that the petitioners/accused Nos.2 & 3 have not committed any offence and they were falsely implicated in the present crime and the ingredients of Sections 331 (3) of Bharatiya Nyaya Sanhita (BNS) is not at all applicable to the facts and circumstances of the case. He further submitted that since the punishment prescribed for the offences alleged against the petitioners is less than seven (07) years, Police ought to have 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. Learned counsel for the petitioners further submitted that accused No.1 was already

¹ (2014) 8 SCC 273

enlarged on bail and entire investigation is completed. The petitioners/accused Nos.2 & 3 are ready and willing to cooperate with the investigation and also the conditions which are imposed by this Court. Hence, he prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that investigation is under progress and if the petitioners are granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the punishment prescribed for the offences alleged against the petitioners is less than seven (07) years and accused No.1 was already enlarged on bail.

7. Taking into consideration all the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to

the petitioners/accused Nos.2 & 3 subject to the following conditions:

- (i) Petitioners/accused Nos.2 & 3 are directed to surrender before the Station House Officer, Zeffargadh Police Station, on or before 22.03.2025;
- (ii) On such surrender, the Station House Officer of Zeffargadh Police Station, shall release the petitioners/accused Nos.2 & 3 on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioners/accused Nos.2 & 3 shall appear before the Station House Officer, Zeffargadh Police Station, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.
- (iv) Petitioners/accused Nos.2 & 3 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the

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investigation officer for conclusion of
investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand
closed.

Date: 18.03.2025
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J.SREENIVAS RAO, J