

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3909 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.1, seeking anticipatory bail in Crime No.60 of 2025 of Sultanabad Police Station, Peddapalli District registered for the offence punishable under Sections 329(3), 324(4), 308(5), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Heard Sri Pulimamidi Shashidhar Reddy, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 28.02.2025 at 12-45 hours the *de-facto* complainant lodged complaint with the police stating he is the resident of Indiranagar, Sultanabad and eking out his livelihood by doing traditional works and presently he is the president of his Goud Community. There is a land admeasuring Ac. 1.34 gts in the outskirts of Sultanabad related to their caste Yellamma Goddesses and one Temple also has been constructed in the said land. Since about some period,

Arelli Chandraiah/Accused No.1 and his wife Bhagyalaxmi/Accused No.2, are quarrelling with the members of his Community alleging that, they are having 9 guntas of land, which has been claimed from his father. In this issue, previously they have filed petitions to the officials also. About 8 months back, they got measured the land with a Surveyor and found to be the land admeasuring 9 guntas, is related to the Temple only. After that, his community members have constructed a compound wall also. Since then, both the husband and wife are alleging that the land belongs to them only and if the community desires, they should pay them Rs.10,00,000-00 and threatened not to step in the said land. They are threatening by saying if anyone comes forward claiming the land belongs to the Community, they will kill them. They immediately went and found the compound wall was completely demolished and enquired into the matter by watching CCTV footages, in which it is revealed that, on 27.02.2025 in the midnight at about 12.30 hours accused No.1 brought one JCB and got the compound wall completely demolished. While they were discussing this issue in the morning, Bhagyalaxmi, who is the wife of Chandraiah came and said that, the land belongs to them and threatened to kill if they

step into her land. At the time of said incident, one Anthati Sagar, Ponnamm Thirupathi, Ponnamm Madhu, Kekkarla Srinivas and the members of Goud Community were present. Due to the damage of compound wall, they sustained loss to a tune of Rs.7,00,000-00. Hence, he requested to take necessary action as per the law. Basing on the said complaint, a case in Crime No.60 of 2025 was registered against the petitioner and other accused persons for the offence under Sections 329(3), 324(4), 308(5), 351(2) read with Section 3(5) of BNS.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he has been falsely implicated in the present crime. He further submitted that even according to the allegations made in the complaint, the ingredients of the offence punishable under Sections 308(5) of BNS are not attracted to the petitioner. Except the said offences, all the other offences are punishable with imprisonment up to seven years. The police with an intention to harass the petitioner, implicated him in the present crime and added the offence under Section 308(5) of BNS. He further submitted that material part of the investigation is completed and accused No.2 was already enlarged on bail. The petitioner is aged about 60 years and suffering with old age

ailments and that he is ready to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Therefore, prays to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Assistant Public Prosecutor submitted that the petitioner has committed a grave offence and the investigation is not yet completed. If the petitioner is granted anticipatory bail, there is a chance to interfere with the investigation and to influence the witnesses. Therefore, 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 accused No.2 was already enlarged on bail on 13.03.2025 and the petitioner is aged about 60 years. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) Petitioner/accused No.1 is directed to surrender before the S.H.O., Sultanabad P.S. on or before 02.04.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five

thousand only), with two sureties for a like sum each to his satisfaction.

- (ii) On such release, petitioner/accused No.1 shall appear before the S.H.O., Sultanabad 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 and thereafter, as and when required.
- (iii) Petitioner/accused No.1 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.
- (iv) Petitioner/accused No.1 shall not interfere with the investigation or influence the witness.

7. 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: 26.03.2025

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