

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3941 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.3 and 4, seeking anticipatory bail in Crime No.52 of 2025 of Moinabad Police Station, Cyberabad Commissionerate, registered for the offence punishable under Sections 329(3), 324(4), 352, 351(2) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Act, 2015.

2. Heard Sri M.Rameshwar Rao, 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 the *de-facto* complainant has lodged a complaint to the police on 27.01.2025 stating that he was the owner and possessor of the Plot Nos.D1, D2 and D3 in Pink Estate, Peddamangalaram, Ranga Reddy District and the above said plots were purchased from one Madi Rajender Reddy in the year, 2018. After purchasing the said plots, he was constructed the precast compound wall to the

entire plots in the year 2019. Since then, he was enjoying the same. On 16.01.2025 he received a phone call from watchman Murthy that some persons came to plots and compound wall was dismantled by the Laxman Murthy and Gopal. The *de-facto* complainant has received information regarding other persons, who involved in the above said offence by name one Harsha Vardhan, Satya Hari Kiran, K.Srinivas, Suresh Reddy, Raghuram Yadav through his watchman after alleged offence and to occupy his plots. Basing on the said complaint, a case in Crime No.52 of 2025 was registered against the petitioner and other accused persons for the said offences.

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. He further submitted that the petitioners were not made as accused in the First Information Report (F.I.R.), however, basing on the confessional statement given by the other accused, the petitioners were made as accused Nos.3 and 4 and the ingredients of the offence punishable under Sections 329(3), 324(4), 352, 351(2) r/w Section 3(5) of BNS and Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Act, 2015 are not attracted to the petitioner. He further submitted except the

offences under Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Act, 2015, all the remaining offences are punishable with imprisonment below seven years. Police with an intention to harass the petitioners, added Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Act, 2015 to avoid the procedure being followed under Section 41-A of Cr.P.C. The petitioners are ready and willing to cooperate with the investigation and they will abide by the conditions, which are going to be imposed by this Court. Therefore, prays to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Assistant Public Prosecutor submitted that investigation is not yet completed. If the petitioners are granted anticipatory bail, there is a chance to interfere with the investigation and to influence the witnesses. Therefore, the petitioners are 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 petitioners initially were not made as accused in the F.I.R. Subsequently, basing on the confessional statement given by the other accused, they were added as accused Nos.3 and 4. It further reveals that except the offence

Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Act, 2015, all the offences under Sections 329(3), 324(4), 352, 351(2) r/w Section 3(5) of BNS are punishable with imprisonment less than seven years. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.3 and 4 with the following conditions:

- (i) Petitioners/accused Nos.3 and 4 are directed to surrender before the S.H.O., Moinabad P.S. on or before 03.04.2025 and on such surrender, they shall be enlarged on bail on each of them 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, petitioners/accused Nos.3 and 4 shall appear before the S.H.O., Moinabad 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 Nos.3 and 4 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 Nos.3 and 4 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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