

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3975 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1 & 2 seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.6 of 2025 of Chunchupalli Police Station, Bhadradri-Kothagudem District, registered for the offences punishable under Sections 296(b), 118(2), 351(2) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS)

2. The brief facts of the case are that on 11.01.2025 at about 16:40 hours, the Station House Officer, Chunchupalli Police Station, Bhadradri-Kothagudem District, received a complaint stating that on 11.01.2025, while the complainant along with one Guduru Narsimha Rao was going to his office located at KNR complex, Ramraj Cotton Building, he saw the petitioners waiting for him and on seeing them, the complainant went inside Venakteshwara Tent House and the

petitioners followed him, attacked him with large ladle, abused him in filthy language and by claiming to be police and belonging to Scheduled Caste, threatened him to vacate the office, failing which they would kill him. The said Guduru Narsimha Rao intervened and tried to stop them and when the nearby people approached, the petitioners ran away abusing him and threatening that they would kill him at night. Based on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. Surya Balu Mahendra, learned counsel for the petitioners and Mr. Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1/State and Mr. P.Sravan Kumar, learned counsel for respondent No.2/ *de facto* complainant.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the offence and they have been falsely implicated in the present crime. He further submits

that even according to the allegations made in the complaint, the incident had occurred at Kothagudem Town on 11.01.2025 at 4:40 p.m., whereas respondent No.2 lodged the complaint on the said date at 8:00 p.m., and obtained injury certificate on 18.01.2025 from Telangana Hospitals, Balaji Nagar, Khammam, which is at a distance of 70 kms, stating that he sustained grievous injuries, without any medical examination. He further submits that petitioner No.1 is a police constable and petitioner No.2 is a private employee and they be granted anticipatory bail as they are ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by this Court.

5. Per contra, learned counsel appearing for respondent No.2 vehemently contended that petitioner No.2/accused No.2 is an employee in the office of respondent No.2 and she misappropriated an amount of Rs.50 lakhs and diverted the same to the account of petitioner No.1/accused No.1. He

further submits that respondent No.2 sustained grievous injuries and the investigation is in progress and at this stage, if the petitioners are enlarged on bail, there is every likelihood of their interfering with the investigation and influencing the witnesses and as such, they are not entitled for grant of anticipatory bail.

6. Learned Additional Public Prosecutor also contended that as per the medical certificate issued by the competent authority, respondent No.2 sustained grievous injuries and the investigation is in progress and at this stage, if the petitioners are granted anticipatory bail, they will interfere with the investigation and influence the witnesses and as such, they are not entitled for grant of anticipatory bail.

7. Having considered the respective submissions made by the parties and on perusal of the material available on record, it reveals that petitioner No.2 is an employee in the office of respondent No.2 and according to the learned counsel for

respondent No.2, she diverted funds of more than Rs.50 lakhs from the office of respondent No.2 and there are specific allegations against petitioner No.2/accused No.2 to attract the ingredients of Sections 118(2), 296(b) and 351(2) of BNS and as such, petitioner No.2/accused No.2 is not entitled for grant of anticipatory bail.

8. As regards petitioner No.1/accused No.1, the record discloses that he is a police constable and if he is arrested, he may lose his job.

9. In view of the same, this Court is inclined to grant anticipatory bail only in favour of petitioner No.1/accused No.1 only subject to the following conditions:

- (i) Petitioner/Accused No.1 is directed to surrender before the Station House Officer, Chunchupalli Police Station, Bhadradi-Kothagudem District, on or before 10.04.2025;
- (ii) On such surrender, the Station House Officer, Chunchupalli Police Station, Bhadradi-Kothagudem District, shall release the

petitioner/accused No.1 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused No.1 shall appear before the Station House Officer, Chunchupalli Police Station, Bhadradi-Kothagudem District, 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) Petitioner/accused No.1 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused No.1 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 investigation officer for conclusion of investigation.

10. Accordingly, the Criminal Petition is allowed *qua* petitioner No.1/accused No.1 and dismissed *qua* petitioner No.2/accused No.2.

::7::

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

Date: 04.04.2025
LUR

J.SREENIVAS RAO, J