

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3988 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.70 of 2025 on the file of Station House Officer, Pahadishareef Police Station, Ranga Reddy District, registered for the offence punishable under Section 118(1) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Heard Mr. G.Sundaresan, learned counsel representing Mr. E.Sreenivas Reddy, learned counsel for the petitioners/accused Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 01.02.2025 at about 16:30 hours, the Station House Officer, Pahadishareef

Police Station, received a complaint from the complainant stating that on 01.02.2025 at about 4:30 p.m., the complainant received a phone call from the petitioners stating that their brother- Mucha Srinivas Reddy was abusing them in filthy language in their agricultural land and immediately, he rushed there and found his brother lying with bleeding injuries and later he came to know that as his brother was abusing the petitioners, the petitioners beat him with sticks due to his which his brother suffered bleeding injuries on his right leg, right hand and back and he took his brother to Sri Visista Hospital at Thukkuguda, where his brother is undergoing treatment. Basing on the said complaint, the aforesaid Crime was registered against the petitioners/accused Nos.1 and 2 for the aforesaid offences.

4. Learned counsel for the petitioners/accused Nos.1 and 2 submits that the petitioners have not committed any offence and they were falsely implicated in the aforesaid crime due to

the land disputes between the petitioners and *de facto* complainant. He further submitted that initially, when the aforesaid crime was registered against the petitioners/accused Nos.1 and 2 for the offence under Section 118(1) r/w 3(5) of BNS, they filed CrI.P.No.2118 of 2025 under Section 528 of BNSS before this Court seeking to quash the proceedings in the said crime and this Court disposed of the said petition on 13.02.2025, by directing the investigating officer to follow the procedure laid down under Section 35(3) of BNSS and the guidelines laid down by the Supreme Court in **Arnesh Kumar Vs. State of Bihar**¹. Pursuant thereto, the investigating officer had issued notice to the petitioners, and the petitioners appeared before the investigating officer and during the course of investigation, the investigating officers altered the section of law to Section 118(2) of BNS with an intention to harass the petitioners although the ingredients under Section 118(2) of BNS are not applicable to the petitioners and therefore, the

¹(2014) 8 SCC 273

petitioners be granted anticipatory bail as they are ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the medical certificate shows that the victim has suffered grievous injuries and the section of law has been altered only after obtaining necessary permission from the jurisdictional magistrate and the investigation is not yet completed and if the petitioners/accused Nos.1 and 2 are granted anticipatory bail at this stage, there is every chance of their influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and on perusal of the record, it reveals that pursuant to the order dated 13.02.2025 passed by this Court in CrI.P.No.2118 of 2025, notice was issued to the petitioners and they have

appeared before the investigating officer and provided the necessary information and thereafter the section of law was altered and material part material part of the investigation has already been completed and as per the learned Additional Public Prosecutor, the petitioners are not involved in any other crime.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2 subject to the following conditions:

(i) Petitioners/accused Nos.1 and 2 are directed to surrender before the Station House Officer, Pahadishareef Police Station, on or before 03.04.2025;

(ii) On such surrender, the Station House Officer of Pahadishareef Police Station, shall release the petitioners/accused Nos.1 and 2 on bail on each of them executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioners/accused Nos.1 and 2 shall appear before the Station House Officer, Pahadishareef Police Station, on every Monday at 11:00 a.m., starting from 07.04.2025 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.1 and 2 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.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

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

Date: 26.03.2025
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J.SREENIVAS RAO, J

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