

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4029 of 2025

Order:

This Criminal Petition is filed by the petitioner seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.103 of 2025 of Patancheru Police Station, Sangareddy District, registered for the offences punishable under Sections 103(1) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Amendment Act, 2015 (for short 'the SC/ST Act').

2. Heard Mr. C.Pratap Reddy, learned Senior Counsel appearing for Mr. C.Sunil Anand, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The brief facts of the case are that on 26.01.2025 at about 11:30 hours, the Station House Officer, Patancheru Police Station, received a complaint to the effect that on 09.01.2025 at about 22:00 hours, the complainant's father *viz.*, Hari Krishna along with two others went to Meraj Bhawarchi Hotel, Patancheru, to have dinner and ordered food, but the petitioner, who is the owner of the hotel and other hotel workers numbering six to eight abused them and beat them mercilessly due to which Hari Krishna sustained head injury and fell unconscious. On information, the complainant along with his other family members went to the said hotel and shifted his father to nearby hospital and thereafter to ESI Hospital, where he underwent treatment for ten days and after discharge, succumbed to injury on 25.01.2025 at 21:00 hours. Basing on the said complaint, the aforesaid crime was registered against the accused.

4. Learned Senior Counsel appearing for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the aforesaid crime. He further submits that though the alleged incident took place on 09.01.2025, the crime was lodged after lapse of sixteen days on 26.01.2025 and there is no explanation for the said delay. He further submits that the petitioner is running a restaurant and he is not aware of the caste of the victim and he has not abused him in the name of caste and neither the ingredients of Section 103(1) of BNS nor the ingredients of Section 3(2)(v) of the SC/ST Act are applicable to the petitioner. He further submitted that accused Nos.2 and 3 were arrested and have already been released on bail on 03.04.2025. He further submits that the petitioner is a law abiding citizen and he be granted anticipatory bail as he is ready and willing to cooperate with the investigating officer for investigation and comply with the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submitted that the petitioner and other accused have committed grave offence under Section 103 of BNS and the investigation is under progress and at this stage, if the petitioner is granted anticipatory bail, there is every likelihood of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by learned counsel for the parties and on perusal of the material available on record, it reveals that the offence took place on 09.01.2025 and the victim died on 25.01.2025 and the complaint was lodged on 26.01.2025, basing on which the aforesaid crime was registered and there are no specific allegations against the petitioner so as to attract the ingredients of Section 103 of BNS or Section 3(2)(v) of the SC/ST Act. IN so far as other allegations are concerned, accused Nos.2 and 3 were arrested on 11.03.2025 and were granted bail *vide* order dated

03.04.2025 in CrI.M.P.No.310 of 2025 on the file of Special Sessions Judge for Trial of Offences under the Scheduled Castes and Scheduled Tribes (POA) Act, 1989 –cum- III Additional District & Sessions Judge, Sangareddy.

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

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

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

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

Date: 04.04.2025
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J.SREENIVAS RAO, J