

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4175 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused in Crime.No.153 of 2025 on the file of the P.S. S.R.Nagar, Hyderabad, registered for the offences punishable under Section 351(2) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SCs' & STs' (POA) Act').

2. The case of prosecution in brief is on 06.03.2025, at 16:00 hours, *de-facto* complainant lodged a complaint stating that on 12.11.2021, he gave an advance amount of Rs.26 Lakhs to the petitioner for a hospital building, later when he submitted the relevant documents provided by the petitioner to the bank for processing, it was revealed that the building was fraudulent and the bank rejected the transaction, as such he repeatedly requested the petitioner to return his money, but until now, petitioner has not

repaid the full amount and has returned only 6 lakhs and issued posted dated cheques for the remaining 20 lakhs. However every time, petitioner gave cheque and it gets bounced. On 10.10.2024, he went to petitioner's house to ask for his money, but petitioner's wife and children did not allow him inside the gate, instead they insulted him and he left without creating any trouble. On 20.10.2024, he went again to petitioner's house to talk about the issue, this time petitioner accompanied by his friends. As soon as they entered into the gate, petitioner's wife and two daughters started abused him again and insulted him as he belongs to the SC Madiga Community and they used caste-based slurs against him that from that day he has been pleading with petitioner to apologize and return his money, but he arrogantly said "do whatever you want, what can you do to me, you caste-less fellow, how dare you come to my house. Basing on the same a case was registered in Crime No.153 of 2025.

3. Heard Sri B.Varaprasada Rao, learned counsel for petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. He further submitted that the petitioner has not abused the *de-facto* complainant in the name of caste and *de-facto* complainant with an intention to harass the petitioner lodged a complaint with false allegations. He further submitted that the ingredients of Section 3(2)(v) of the SCs' & STs' (POA) Act are not attracted against the petitioner. He further submitted that except for the offence under Section 3(2)(v) of the SCs' & STs' (POA) Act, the punishment prescribed for other offences levelled against the petitioner are below seven years. He further submitted that the material part of the investigation is completed and the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence, where Section 3(2)(v) of the SCs' & STs' (POA) Act is applicable and investigation is under progress and if the petitioner/accused is granted anticipatory

bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there are civil disputes pending between the petitioner and the *de-facto* complainant and the material part of the investigation is completed.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused shall surrender before the Station House Officer of P.S. S.R.Nagar, Hyderabad on or before 09.04.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five Thousand only) with two sureties, for the like sum each.
2. The petitioner/accused shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
3. The petitioner/accused shall abide by the other conditions stipulated in Section 482 (2) Bharatiya

Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 03.04.2025
vsl