

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4228 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.94 of 2025 of Mulugu Police Station, Mulugu District, registered for the offence punishable under Sections 329(3), 296(b), 118(1), 109 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of prosecution in brief is that the criminal law was set into motion by the *de-facto* complainant Murthula Guruva Reddy alleging that he owned 1420 square yards of land at the outskirts of Mulugu Revenue Village in Sy.No.1255/E/1. Alleged incident was occurred on 04.03.2025 at 11.45 hours, reported on the same day at 15.00 hours, at the outskirts of Mulugu revenue village, in survey number 1255/E/1. It was further submitted that the petitioners/A1 and A2 trespassed into the land of the *de-facto* complainant and they also claimed the said land as belonged to them and threatened the *de-facto* complainant to vacate the land, A2 caught hold him and beat him with stone on his chest and kicked him with legs. As a result, Ramulu fell down on the ground

and was kicked on his testicle and beat him with hands with an intention to kill him. Sudamalla Shiva kumar and SK. Baji, who were at the location, tried to stop them and the son of *de-facto* complainant by name Ravi dialed '100' number and after seeing the police, the petitioners/accused persons ran away from the spot and immediately, the injured/Ramulu was shifted to Area Hospital, Mulugu for treatment and thereafter he was shifted to Rakshitha Hospital, Hanamkonda for better treatment. Basing on the report, the police, Mulugu registered a case in Cr.No.94 of 2025 against the petitioners/A1 and A2 for the offence under Sections 329 (3), 296 (B), 118 (1), 109 r/w 3 (5) of BNS.

3. Heard Mr. G.L.Narsimha Rao, learned counsel, representing Mr.G.V.N.Srinivas Rao, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners/accused Nos.1 and 2 submitted that the petitioners have not committed the alleged offence and they were falsely implicated in the present crime. He further submitted that there are civil disputes pending between the petitioners and the *de-facto* complainant. When the *de-facto* complainant is trying to interfere with the property in dispute, the petitioner No.1 has filed O.S.No.68 of 2023 on the file of the

Additional Junior Civil Judge-cum-Judicial First Class Magistrate at Mulugu, wherein the said Court granted ad interim injunction in I.A.No.323 of 2023 on 03.03.2025. In view of the said injunction, when the *de-facto* complainant is trying to make construction in the suit schedule property, the petitioners resisted, and therefore, the *de-facto* complainant lodged the present complaint to settle the civil disputes. The petitioners are ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by the Court.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed a grave offence and the victim sustained grievous injuries and the investigation is not yet completed and therefore, if the petitioners 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 considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that there are civil disputes pending between the petitioners and the *de-facto* complainant and others. The record further reveals that the petitioner No.1/accused No.1 has filed O.S.68 of 2023, on the file of the Additional Junior Civil Judge-

cum-Judicial First Class Magistrate at Mulugu, for grant of perpetual injunction. Along with the said suit, he also filed I.A.No.323 of 2023 for grant of ad interim injunction and the said Court granted ad interim injunction and the same is in existence. Hence, 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, Mulugu Police Station, on or before 10.04.2025;
- (ii) On such surrender, the Station House Officer, Mulugu Police Station, shall release the petitioners/accused Nos.1 and 2 on bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum 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, Mulugu 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) 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.

7. Accordingly, the Criminal Petition is allowed. No costs.

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

J.SREENIVAS RAO, J

Date: 04.04.2025.

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