

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4338 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 petitioners/accused Nos.1 to 4 in Crime.No.21 of 2025 on the file of the P.S. Kodair, Nagarkurnool District registered for the offences punishable under Sections 109, 118(1) and 352 r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 01.03.2025, *de-facto* complainant lodged a complaint, stating that there are land disputes between him and the petitioners and due to same, petitioners came to his house and beat him and his family with sticks and stones and due to which, the *de-facto* complainant, his wife, his son, his daughter-in-law and his grandson received injuries. Basing on the same a case was registered in Crime No.35 of 2025.

3. Heard Sri C.Sharan Reddy, learned counsel for petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submitted that petitioners have not committed alleged offence and they were falsely implicated in the above crime. He further submitted that there are civil disputes pending between the petitioners and LWs.1 to 5 and they attacked the petitioners and the petitioners sustained injuries. He further submitted that petitioners have lodged a complaint against LWs.1 to 5 on 01.03.2025, basing on the same, Crime No.20 of 2025 was registered on the file of Kodair Police Station and on the very same day, on the file of very same Police Station, subsequent to the registration of said crime, LWs.1 to 5 lodged a complaint against the petitioners, as a counter case, basing on the same, present Crime i.e., Crime No.21 of 2025 was registered, for the offences punishable under Sections 118(1) and 352 r/w 3(5) of BNS. Later on evidence collected on the record, Police filed alteration memo, dated 27.03.2025 and added Section 109 of BNS. He further submitted that according to remand case diary, the nature of injuries received by LWs.1 to 5 are simple in nature and the ingredients of Section 109 of BNS are not attracted against the petitioners and the punishment prescribed for other offences levelled against the petitioners are less than seven years and the petitioners are 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 specific allegations are leveled against the petitioners/accused Nos.1 to 4 and investigation is under progress and if the petitioners/accused Nos.1 to 4 are granted anticipatory bail at this stage, they 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 petitioners have lodged a complaint against LWs.1 to 5 on 01.03.2025 and the same was registered as Crime No.20 of 2025 on the file of Kodair Police Station and on the very same day, on the file of very same Police Station, LWs.1 to 5 lodged a complaint against the petitioners, as a counter case, and the same was registered as Crime No.21 of 2025. The record further discloses that initially Crime No.21 of 2025 was registered for the offences punishable under Sections 118(1) and 352 r/w 3(5) of BNS, later on evidence collected on the record, Police filed alteration memo dated

27.03.2025 and added Section 109 of BNS. The remand case diary, placed by the learned counsel for the petitioners, discloses that as per LW.9, who is Doctor, LWs.1 to 5 sustained injuries, which are simple in nature. The record further discloses that there are civil disputes pending between the petitioners and LWs.1 to 5.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioners/accused Nos.1 to 4 are entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioners/accused Nos.1 to 4 shall surrender before the Station House Officer of P.S. Kodair, Nagarkurnool District, on or before 09.04.2025, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 4 on bail on their executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, for the like sum each.
2. After release, the petitioners/accused Nos.1 to 4 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 petitioners/accused Nos.1 to 4 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