

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4361 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.77 of 2025 on the file of the P.S. Ghanpur, Jayashankar Bhupalapally District, registered for the offences punishable under Section 109 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 20.03.2025, the *de-facto* complainant lodged a complaint, in which she stated due to ill health, she is residing with her father at Gandhinagar village and her father registered two guntas of land on her name and she planned to construct a house, but the petitioner warned the *de-facto* complainant to leave the above said land to him and otherwise he will see the end of her. Today morning at 07.00 hours when she went to the said land with the tractor to floor the same, meanwhile her neighbors obstructed her. On the same day evening at 4.56 hours when she is inside her house, petitioner went there and beat her with an axe on her left shoulder with an intention to kill her

and brought her to the road by dragging her hair .Basing on the same a case was registered in Crime No.77 of 2025.

3. Heard Sri K.Srinivas, 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 *de-facto* complainant lodged a complaint to dissolve the civil disputes pending between her and the petitioner, in respect of house site and admittedly, the house site belongs to the petitioner and acquired the same from his father. However, *de-facto* complainant lodged a complaint with false allegations and the ingredients of Section 109 of BNS are not attracted against the petitioner. He further submitted that petitioner is working as RTC driver and he is law abiding citizen and if the petitioner is not granted anticipatory bail, he will lose his job. He further submitted that 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 under Section 109 of BNS and the 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 petitioner and the *de-facto* complainant are cousin brother and cousin sister and there are property disputes between them in respect of house site. The record further discloses that the petitioner is working as RTC driver. According to learned Public Prosecutor, petitioner is not having criminal antecedents and 5 witnesses were already examined.

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. Ghanpur, Jayashankar Bhupalapally District 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.50,000/- (Rupees Fifty 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, commencing from 15.04.2025 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.
 4. The petitioner/accused shall not interfere with the investigation and shall not influence the witnesses.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 03.04.2025
vsl

