

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4441 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail to the petitioner/accused No.1 in Crime No.8 of 2025 of Kannepalli Police Station, Ramagundam District, registered for the offences punishable under Sections 118(1), 296(b), 115(2) and 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of prosecution in brief is that on 17.01.2025, complainant lodged a complaint stating that the petitioner along with other accused abused her husband in most grubby language and beat him with hands and sticks on his right fingers, right hand, face, neck, back and on both legs and caused injuries and threatened him with dire consequences. Basing on the same, Crime No.8 of 2025 was registered.

3. Heard Mr.V.Raghunath, learned Senior Counsel representing Ms. V. Sanjana, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned Senior counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime and the punishment prescribed for the offences levelled against the petitioner are below seven years, however, subsequently, the police with an intention to avoid following the procedure under Section 35(3) of the BNSS and also the principles laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹, altered the offence from Section 118(1) of the BNS to 118(2) of the BNS, though the ingredients of Section 118(2) of the BNS are not attracted against the petitioner. He further submitted that the petitioner is eking out his livelihood by doing agriculture and he is only breadwinner to his family and he is having small children and he is not having any criminal antecedents. He further submitted that material part of the investigation is completed except filing of charge sheet and the petitioner is ready to abide by the conditions, which are going to be imposed by this Court, and he shall cooperate with the investigation. Hence, the petitioner may be enlarged on pre-arrest bail.

5. *Per contra*, Additional Public Prosecutor submitted that the petitioner has committed grave offence. Though initially the crime

¹ (2014) 9 SCC 273

was registered for the offences punishable under Sections 118(1), 296(b), 115(2) and 351(2) read with 3(5) of the BNS, as per the medical report, the victim has sustained grievous injury and also one fracture to right hand fingers, hence, Section of law was altered from 118(1) of BNS to 118(2) of the BNS and the investigation is under progress. If the petitioner is released on anticipatory bail, he will interfere with the investigation and also influence the witnesses. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and from the perusal of the material available on record, it reveals that initially the crime was registered for the offences under Sections 118(1), 296(b), 115(2) and 351(2) read with 3(5) of the BNS, and basing on the medical report of the victim, the Section of law was altered from Section 118(1) of BNS to 118(2) of the BNS. Even, according to the learned Additional Public Prosecutor, no criminal antecedents are reported against the petitioner. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1 on the following conditions:

- (i) The petitioner/accused No.1 is directed to surrender before the S.H.O., Kannepalli, Ramagundam, on or before 11.04.2025 and on such surrender, he shall be enlarged on

bail on executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each.

- (ii) On such release, the petitioner/accused No.1 shall appear before the concerned S.H.O., on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) After release, the petitioner/accused No.1 shall not influence the witnesses or interfere with the investigation.
- (iv) The petitioner/accused No.1 shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

7. Accordingly, the criminal petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 07.04.2025

vsl