

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4457 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 petitioner, who is arrayed as accused No.1 in Crime No.159 of 2023 of Mogullapally Police Station, registered for the offence punishable under Sections 306 of the Indian Penal Code (IPC).

2. The case of prosecution in brief is that the *de-facto* complainant by name Abbu Linga Reddy lodged a complaint with the police stating that, he had two children. He performed the marriage of his daughter Roopa, aged about 35 years. His son Rajender, aged 42 years, is working as Panchayat Secretary, Tekumatla Village and Mandal since last three years. His son informed him and his relatives and friends that, his higher officials intentionally harassing him mentally under the guise that he is not doing the work properly. He has repeatedly advised him to be patient in this matter. Unable to bear the harassment, his son repeatedly requested his higher officers to transfer him from Tekumatla Gram Panchayat to any other Gram Panchayat. In the same vein, he told him that since last year, the Tekumatla village Sarpanch Sarotham Reddy and Mandal Parishad Development Officer by name P. Anitha, have been intentionally

harassing him mentally by saying that he cannot do the work properly. In the same vein, a few days ago, when the Mandal Revenue Officer Manjula, mentally harassed him under the guise that he has not done the works which she allotted to him, which are the duties of revenue officers, for which he answered that he is working in Mandal Panchyath (Head Quarters) and staff is also very less and intensive pressure of work. Without hearing the same, she mentally harassed him by sending posts on the Mandal WhatsApp groups by saying that the Panchayat Secretaries are not doing BLO duties. And three days back the villagers belongs to Tekumatla namely Ambala Ramesh, Ramchander, Sadanandam came to his son and threatened him to pay money or else they will made wrong allegations against his son. When his son told them that he had done nothing wrong, they angrily addressed a letter to the Mandal Parishad Development Officer through Tekumatla WhatsApp group. In this regard, he informed him and worried about the P.Anitha, Mandal Parishad Development Officer and Sarpanch Sarotham Reddy talking rudely in front of all and harassing mentally without any enquiry. In this order on the same day, on 13.09.2023, morning at about 8.30 he went for duty. He and his wife went for agriculture works. His son came to the house at about 10.30 and went into the back side room. Thereafter when he doing vomiting, his daughter has seen the same and informed the same to him. Then immediately he

came and by observing the pesticide smell from the mouth of his son, immediately took him to the Sanjeevani hospital at Jammikunta for first aid. After first aid treatment, he shifted his son to Chakravarthy Hospital at Hanamkonda for better treatment. Due to serious condition, today 14.5.2023, he took his son to MGM Hospital at Warangal and while undergoing treatment, today evening at about 4.00 pm he died. Therefore, he requested to take suitable legal action against 1) Ramesh, 2) Ramchander, 3) Sadanandam, 4) Manjula, Mandal Revenue Officer, Tekumatla, 5) Sarotham Reddy, Sarpanch and 6) P. Anitha, Mandal Parishad Development Officer who mentally tortured his son and harassed him to pay money and instigated him to drink pesticide. Basing on the said report, the present crime was registered for the aforesaid offences.

3. Heard Mr.V.Ravi Kiran Rao, learned Senior Counsel, representing Mr.P.Rajagopal Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/accused No.1 submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the present crime. He further submitted that even according to the allegations made in the complaint, the ingredients of Section 306 of IPC are not applicable to the petitioner and the petitioner is worked as Sarpanch of Tekumatla Gram

Panchayat and his tenure was expired on 2024. Basing on the complaint lodged by the *de-facto* complainant on 14.09.2023, the present crime was registered. After expiry of his tenure, the police have trying to arrest the petitioner in this crime. The petitioner is 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 petitioner has committed a grave offence and the investigation is not yet completed and therefore, if the petitioner is 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 basing on the complaint lodged by the *de-facto* complainant, on 14.09.2023 the present crime was registered against the petitioner and other officials. The investigation officers have not conducted any investigation from 2023 to 2025. According to the learned Senior Counsel, the petitioner had worked as Sarpanch of Tekumatla Gram Panchayat and his tenure was expired in the year 2024 and at no point of time, he harassed the victim. The petitioner is not having any criminal antecedents and the same was not

disputed by the learned Additional Public Prosecutor. Taking into consideration the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1 subject to the following conditions:

- (i) Petitioner/accused No.1 is directed to surrender before the Station House Officer, Mogullapally Police Station, on or before 10.04.2025;
- (ii) On such surrender, the Station House Officer, Mogullapally Police Station, shall release the petitioner/accused No.1 on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.1 shall appear before the Station House Officer, Mogullapally 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) Petitioner/accused No.1 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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