

THE HONOURBLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 4564 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.1 seeking anticipatory bail in the event of his arrest in Crime No.41 of 2025 of Pulkal Police Station, Sabga Reddy, registered for the offences punishable under Sections 140(2), 109, 127(2), 308(2), 351(3) and 49 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of prosecution in brief is that the *de facto* complainant lodged a complaint on 22.03.2025 at 08.00 p.m. stating that he has having Ac.6.00 of land in Sy.No.794 of Gunglur Village and that he engaged two labourers on 22.03.2025 for fencing around the land. While the labourers erecting the fencing, at about 4.30 p.m., the petitioner came there and accost the labourers. When the *de facto* complainant, his brother, namely Palle Balaiah and his son Kranti Kiran, went that place, where some people came running towards them and attacked with mirchi powder and knives and one Shaik Malik fisted his hand and beat him and also snatched away his phone and dragged his son into the Company of Murali Krishna and thrown chilly powder on him and stabbed with knife and all the accused persons threatened

them with dire consequences and tried to kill them. Previously, the accused persons attacked many time and police registered Crime No.41 of 2025 on 22.03.2025.

3. Heard Mr. M.P. Chandra Mouli, learned Senior Counsel representing Mr. Ch. Satya Sadhan, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned Senior Counsel submitted that the petitioner has not committed the alleged offences and he was falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients under Sections 140(2) and 109 of the BNS are not applicable to the petitioner. Insofar as other offences are concerned, they are punishable with imprisonment of below seven years.

4.1. He further submitted that the *de facto* complainant and others have attacked the employees of the petitioner and the petitioner has also lodged a complaint against the *de facto* complainant and others on 22.03.2025. However, the police have not registered the crime. On the other hand, basing on the complaint lodged by the *de facto* complainant, the present crime was registered as a counter blast against the petitioner, though he was not present at the scene of offence. The petitioner aged about

65 years and suffering with age-old ailments and material part of the investigation is completed. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner and others committed grave offence and the investigation is under progress. Hence, at this stage, the petitioner is not entitled for grant of anticipatory bail. If the petitioner is enlarged on bail, he will interfere with the investigation and also influence the witnesses.

6. Having considered the rival submissions made by the respective parties and after perused the material available on record, it reveals that the petitioner lodged a complaint against the *de facto* complainant on 22.03.2025. According to the learned Senior Counsel, basing on the complaint lodged by the petitioner, the police have not registered the crime and on the very same day, basing on the complaint lodged by the *de facto* complainant, Crime No.41 of 2025 was registered. According to the learned Additional Public Prosecutor, ten (10) witnesses were already examined. Taking into consideration the facts and circumstances of the case,

this Court is inclined to grant anticipatory bail to the petitioner/accused No.1 with the following conditions:

- (i) The petitioner is directed to surrender before the S.H.O., Pulkal Police Station, Sanga Reddy District, 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 shall appear before the S.H.O., Pulkal Police Station, Sanga Reddy District, 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 shall not interfere with the investigation and also influence the witnesses.
- (iv) The petitioner 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: 04.04.2025

mar