

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.4523 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.1, seeking anticipatory bail in Crime No.34 of 2025 of Nagaram Police Station, Suryapet District registered for the offences punishable under Sections 191(2), 191(3), 109, 352 read with Section 190 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr.K.Shrikanth Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that the *de-facto* complainant-Bharath Kumar Vemula lodged a complaint with the police on 19.03.2025 stating that about one month back, he made a call to the petitioner requesting him to support his father, who is contesting for the post of Sarpanch in the ensuing elections from Congress party for which he refused and abused him saying that they belongs

to different parties and on discussion, the petitioner abused him and extended severe threats and on 19.03.2025 when he went to Nagaram Village, the petitioner along with his associates beat him and tried to kill him, as a result of which, he sustained injuries to his head, hands and on his back. Basing on the said complaint, the present case was registered for the aforesaid offences.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime. He further submitted that even according to the allegations levelled in the complaint, there is a political rivalry between the petitioner and the *de-facto* complainant and both belong to different political groups and the ingredients of Section 109 of BNS are not attracted against the petitioner. The petitioner never abused the *de-facto* complainant. Except the offence under Section 109 of BNS, all the other offences are punishable with imprisonment below seven years. With an intention to harass the petitioner, the offence under Section 109 of BNS is included at the instance of the *de-facto* complainant to avoid the procedure to be followed under Section 35(3) of BNS. He also submitted that the

petitioner is a social worker and he is not having any criminal antecedents. The petitioner is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed a grave offence and the investigation is under progress and therefore, if the petitioner is granted anticipatory bail, there is every chance to influence the witnesses and to interfere with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that even according to the allegations made in the complaint, there is a political rivalry between the petitioner and the *de-facto* complainant. According to the learned Additional Public Prosecutor, all the other accused were arrested and five witnesses were 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, subject to the following conditions:

- i) The petitioner/accused No.1 is directed to surrender before the S.H.O., Nagaram Police Station, Suryapet District on or before 22.04.2025 and on such surrender, the Station House Officer is directed to enlarge the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only), with two sureties for a like sum each to his satisfaction.
- ii) The petitioner/accused No.1 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) After release, if the petitioner/accused No.1 is involved in similar offences, the bail granted by this Court shall stands cancelled.
- iv) The petitioner/accused No.1 shall abide by the conditions stipulated under Section 482(3) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 15.04.2025
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