

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4667 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.4, seeking bail in Crime No.6 of 2025 of Shaligouraram Police Station, registered for the offence punishable under Sections 61(2), 189(2), 191(2), 191(3), 103, 239 read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of prosecution in brief is that on 21.01.2025, *de-facto* complainant filed a complaint stating that her husband, Bandaru Mallaiah, was attacked by their villagers, including Rudrarapu Yadagiri, Rudrarapu Mallaiah and Rudrarapu Chinna Yadagiri, with knives and sticks, intending to kill him over a land dispute near Shivalayam. Her husband suffered severe injuries and was rushed to Kamineni Hospital, Narketpalli, where his condition is critical. Basing on the same, a case was registered in Crime No.6 of 2025.

3. Heard Mr.S.Vijay Prashanth, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offence and he was falsely implicated in this crime. He further submitted that the police registered the crime for the offence under Section 109 read with Section 3(5) of BNS against accused Nos.1 to 3 only and the name of the petitioner was not mentioned anywhere in the F.I.R. However, the police took the petitioner into their custody without producing before the Court. When the uncle of the petitioner approached this Court and filed Habeas Corpus petition vide W.P.No.2112 of 2025, the police produced the petitioner before the Judicial First Class Magistrate, Nakrekal and in the remand report, dated 24.01.2025, the petitioner was shown as accused No.7. In subsequent remand report dated 30.01.2025, the name of the petitioner was shown as accused No.4. He further submitted that there are no specific allegations against the petitioner to attract the ingredients of Sections 61(2), 189(2), 191(2), 191(3), 103, 239 read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (BNS). He

further submitted that similar allegations are leveled against accused No.11, as they were against petitioner/accused No.4 and the I Additional District and Sessions Judge at Nalgonda has granted bail to accused No.11 and this Court granted anticipatory bail to accused No.6. He further submitted that except accused Nos.1 to 3, remaining accused Nos.5 to 12 were already enlarged on bail. He further submitted that the petitioner is working as Government Teacher and he is not having any other criminal antecedents. He further submitted that the petitioner was arrested on 24.01.2025 and since then he is in judicial custody. 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 bail.

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 not yet completed and therefore, he is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record,

it reveals that the petitioner was arrested on 24.01.2025 and since then he is in judicial custody and accused Nos.5 to 12 in the said crime were already enlarged on bail. Even according to the learned Additional Public Prosecutor, 27 witnesses were already examined and petitioner is not having any other criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.4, subject to the following conditions:

(i) The petitioner/accused No.4 shall execute a personal bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of Judicial First Class Magistrate at Nakrekal, Nalgonda District.

(ii) The petitioner/accused No.4 shall appear before the concerned SHO at 11.00 A.M. on every Sunday, for a period of eight (8) 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.4 committed similar offence, the respondent-State is entitled to file an application seeking

cancellation of the bail granted by this Court in their favour.

(iv) The petitioner/accused No.4 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 17.04.2025

vsl