

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4709 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1 seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.130 of 2025 of Bodhan Town Police Station, Nizamabad District, registered for the offences punishable under Sections 318(4), 338 & 303(2) of Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 3 of Prevention of Damage to the Public Property Act, 1984, and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2. The brief facts of the case are that on 19.03.2025 at about 13:00 hours, the Station House Officer, Bodhan Town Police Station, Nizamabad District, received a complaint from the complainant, who is the Mandal Revenue Inspector, Bodhan Mandal, stating that on 10.03.2025 at about 12:00 hours, while the complainant, along with his team, was on duty

at Annesanagar, Bodhan, one sand-laden tipper bearing registration No.TS16UB9892 was coming from Bodhan to Nizamabad, and on suspicion, he took the custody of the said vehicle and after verification, he found that the way bill was forged and the petitioner/accused No.1, who is the owner of the said vehicle and accused No.2, who is the driver, have involved in illegal transportation of sand. Based on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. P.Animi Reddy, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioner/accused No.1 submitted that except Section 338 of BNS, all other offences levelled against the petitioner are punishable with imprisonment of less than seven years and though there are no

specific allegations against the petitioner to attract the offence under Section 338 of BNS, the said section was subsequently included solely with the intention to harass the petitioner. Learned counsel prays that the petitioner/accused No.1 be granted anticipatory bail as he is ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor contended that the petitioner/accused No.1 committed grave offence and the investigation is in progress and at this stage, if the petitioner/accused No.1 is granted anticipatory bail, he will interfere with the investigation and influence the witnesses and as such, he is not entitled for grant of anticipatory bail.

6. Having considered the respective submissions made by the parties and on perusal of the material available on record, it reveals that the Mandal Revenue Inspector lodged the complaint on 19.03.2025, on the basis of which the subject

crime was registered against the accused. Except Section 338 of BNS, all other allegations levelled against the petitioner are punishable with imprisonment of less than seven years. According to the complaint, the owner of the subject vehicle had produced the fabricated way bill dated 10.03.2025. Therefore, this Court is of the considered view that the ingredients of Section 338 of BNS are not applicable to the petitioner/accused No.1, who is the driver of the vehicle.

7. In view of the same, this Court is inclined to grant anticipatory bail in favour of the petitioner/accused No.1 subject to the following conditions:

- (i) Petitioner/Accused No.1 is directed to surrender before the Station House Officer, Bodhan Town Police Station, Nizamabad District, on or before 17.04.2025;
- (ii) On such surrender, the Station House Officer, Bodhan Town Police Station, Nizamabad District, shall release the petitioner/accused No.1 on bail on his executing a personal bond for a sum of Rs.15,000/- (Rupees Fifteen thousand only) with

two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused No.1 shall appear before the Station House Officer, Bodhan Town Police Station, Nizamabad District, 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 not interfere with the investigation nor influence the witnesses.

(v) 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.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 10.04.2025
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J.SREENIVAS RAO, J