

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.4812 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners, who are arrayed as accused Nos.1 and 2, seeking anticipatory bail in F.I.R. No.68 of 2025 of Thorrur Police Station, Mahabubabad District, registered for the offence punishable under Section 109 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. The case of prosecution in brief is that on 03.03.2025 at 19.00 hours the *de-facto* complainant Bairu Pushpaleela went to the police station and lodged complaint stating that, her neighbouring land owner by name Gugulothu Bharati called her from her husband's cell and informed that her husband's nephew Pujari Kumaraswamy's wife Sandhya and her son Anil kumar and two unknown persons beat her husband with sticks and stones and tried to kill him and he was in dangerous condition. Immediately she along with her daughter Bairu Manasa, Pujari Elednra altogether went to their farm and

found her husband with bleeding injury on his head. On questioning him, he informed that while he was alone in the hut, Sandhya, her son Anil Kumar and two other persons went there and suddenly attacked him with sticks and stones on his head and tried to kill him. On hearing his cries, Gugulothu Bharathi went there and on seeing her, all of them fled away from there. Immediately her husband was shifted to Sai Multi Speciality Hospital, Thorrur by 108 ambulance for treatment. Basing on the said complaint Police have registered the present crime for the aforesaid offences.

3. Heard Ms. M.Triveni, learned counsel, representing Mr.M.Ajay Kumar, learned counsel for the petitioners and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were falsely implicated in this case and there are property disputes between the petitioners and the injured in respect of the land in Sy.No.182/1. To resolve the said disputes and with an intention to harass the petitioners,

the present complaint was lodged against them. The victim has sustained only simple injuries and the ingredients of Section 109 of BNS are not attracted against the petitioners. She further submitted that the petitioners are not having any criminal antecedents and they are ready and willing to cooperate with the investigation pending if any, and also abide by the conditions, which are going to be imposed by this Court. Therefore, he prayed to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioners have committed grave offence and the investigation is not yet completed. Therefore, if the petitioners are granted anticipatory bail, they will influence the witnesses and interfere with the investigation. Hence, the petitioners are not entitled for granting 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 there are property disputes between the petitioners and the injured in

respect of the land in Sy.No.182/1. Even according to the learned Additional Public Prosecutor, the petitioners are not having criminal antecedents. The victim has sustained simple injuries. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2 subject to the following conditions:

- i) The petitioners/accused Nos.1 and 2 are directed to surrender before the S.H.O., Thorrur Police Station, Mahabubabad District on or before 17.04.2025 and on such surrender, the Station House Officer is directed to release the petitioners on bail on each of them 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 his satisfaction.
- ii) The petitioners/accused Nos.1 and 2 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) The petitioners/accused Nos.1 and 2 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioners/accused Nos.1 and 2 are involved in similar offences, the bail granted by this Court shall stand cancelled.

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: 11.04.2025
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