

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4769 of 2025

ORDER:

This Criminal Petition is filed by the petitioners/accused Nos.2 and 3, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.313 of 2024 of Kulsumpura Police Station, Hyderabad, registered for the offences punishable under Sections 109 read with 3(5) BNS.

2. Heard Sri K.Venumadhav, learned counsel for the petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 29.09.2024 at 03:45 hours, complainant filed a complaint stating that he was attacked by accused Nos.1 to 3, near Habeeba Mosque lane, Panch Bhai Alawa, Jiyaguda. The complainant alleged that petitioner-accused No.2 who had a previous grudge against him, hatched a plan with petitioner-accused No.3 and another,

to eliminate him. During the attack, accused No.1 allegedly stabbed the complainant on the left side of his neck with a knife, while petitioners-accused Nos.2 and 3 pushed him. The complainant sustained bleeding cut injuries and was treated at OG Hospital. Basing on the same, the aforesaid crime was registered against the accused.

4. Learned counsel for the petitioners submits that the petitioners have not committed alleged offences and they are falsely implicated in the aforesaid crime. Even according to the allegations made in the complaint, the ingredients under Section 109 of BNS are not attracted against the petitioners. The entire allegations are leveled against accused No.1 and the accused No.1 was arrested and enlarged on bail *vide* order dated 04.11.2024 in CrI.M.P.No.5005 of 2024. The entire investigation is completed and the investigating officers have filed charge sheet. The petitioners will appear before concerned SHO on each and every adjournment for continuing proceedings and that petitioners are not having any criminal

antecedents. The petitioners are ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by the Court. Hence, prayed to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submits that the petitioners are absconding since 29.09.2024 and petitioners have committed a grave offence under Section 109 of BNS. Learned Additional Public Prosecutor had not disputed that the investigating officers have filed charge sheet and the same was numbered as PRC No.11 of 2025 on the file of XVI Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad.

6. Having considered the rival submissions made by the respective parties and on perusal of the record, it reveals that the investigating officers after conducting investigation filed charge sheet on the file of XVI Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad and the same was numbered as PRC No.11 of 2025. Accused No.1 was arrested

and he was enlarged on bail in CrI.M.P.No.5005 of 2024 on 04.11.2024 by the XVI Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.2 and 3 subject to the following conditions:

- (i) Petitioners/accused Nos.2 and 3 are directed to surrender before XVI Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad on or before 22.04.2025;
- (ii) On such surrender, the XVI Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad shall release the petitioners on bail on their executing 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 the said Court;

(iii) On such release, the petitioners/accused Nos.2 and 3 shall appear before the XVI Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad on every adjournment.

(iv) After release, if the petitioners/accused Nos.2 and 3 commits the very same offence, the respondent-State is granted liberty to file appropriate application seeking cancellation of bail.

(v) The petitioners/accused Nos.2 and 3 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482(2) of BNSS.

7. Subject to the above directions, the Criminal Petition is allowed. No costs.

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

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The Hon'ble Sri Justice J.Sreenivas Rao

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Date: 16.04.2025

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