

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4793 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.83 of 2025 of Vikarabad Town Police Station, Vikarabad District, registered for the offences punishable under Sections 108 r/w 62 of BNS.

2. Heard Sri T.S.Anirudh Reddy, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 07.03.2025 at 19:30 hours, a telephonic message was received from Mission Hospital, Vikarabad, informing about Sri Thunta Shankar (victim) consuming poison. Immediately, Sri C. Satyanarayanaraju, S.I. of Police, Vikarabad P.S.

proceeded to Mission Hospital, Vikarabad and recorded the statement of the victim, who was undergoing treatment, in which, he stated that in 2023, he asked one person named Aslam Khan i.e., accused No.1 to invest Rs. 10 Lakhs into a litigation land for which he would receive 300 Sq yards. Accordingly, accused No.1 gave Rs. 20 lakhs at once and five lakhs in four installments. He gave Rs. 30 lakhs to one Shravan but did not ask him further, thinking that Shravan's condition was bad and that he would return the money anytime. After two months, he informed accused No.1 that there was a two-acre litigation land in Poolapalli village and after solving the litigation they wanted to share equally and further, accused No.1 provided 10 lakhs for its expenses, but the problem remained unsolved and it was cancelled. In November, 2024, when the victim was in Ayyappa Swamy Mala, accused No.1 came to his shop and demanded the return of the money, which he had given. The victim then wrote two cheques of Rs.60 lakhs each and had given to accused No.1. The victim

further told accused No.1 that there is a land in Mokila, after settlement he will give accused No.1 one acre, and requested him that since he did not have money, not to insult his reputation as the matter was between them and accused No.1 agreed to that. Later, accused No.1 said he needed the money and told to sell the Mokila land. Upon that the victim told him to take the land and that the land will always belong to them. The victim claimed not to know who accused No.1 had taken the money from. Accused No.1 took the money from Naeem Bhai and said that if they broke his word, it would cause problems and bring trouble to their lives and accused No.1 asked for the issue to be resolved. On 17.02.2025, accused No.1 took the petitioner to the victim's home and stated that there were problems in his family. Both the petitioner and accused No.1 asked him to either sell the property or registered in its name, otherwise, they will sell his kidneys for money. The victim asked for 12 days to settle the issue. On 07.03.2025, accused No.1 called the victim repeatedly over phone and

asked him what was happened with the Mokila farm and also called the owner of the Mokila land and was told that it would take two more moths. Upon that, the victim fearing loss to his reputation and honour, drank weedicide (gaddimandu) at BTS Colony, Diet Road, by mentioning that accused No.1 was threatening by mentioned the name of accused No.2. Hence, the complaint.

4. Learned counsel for the petitioner submits that the petitioner has not committed alleged offence and he was falsely implicated in the aforesaid crime. Even according to the allegations made in the complaint, the petitioner has given an amount of Rs.10,00,000/- to the complainant and when he requested to repay the said amount, he consumed the poison. The petitioner never instigated the victim to commit the suicide and the ingredients under Section 108 of BNS are not attracted against the petitioner. He further submitted that the petitioner was admitted in the hospital and he was discharged and he is

alive. The nature of the allegations leveled against the petitioner are purely civil in nature and with an intention to harass the petitioner, he was implicated in the present crime. He further submitted that accused No.2 approached this Court and filed an application *vide* CrI.P.No.4254 of 2025 for grant of anticipatory bail and the same was allowed on 02.04.2025. The petitioner is ready and willing to co-operate with the investigation and also abide by the conditions that may be imposed by the Court. Hence, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submits that the petitioner has committed a grave offence and the investigation is under progress. If the petitioner is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the respective parties and on perusal of the record, it reveals that

there are civil disputes between accused No.2 and the victim and even according to the allegations made in the complaint, the petitioner invested an amount of Rs.10,00,000/- with *de facto* complainant. Even according to the learned Additional Public Prosecutor, the victim was discharged from the hospital and petitioner is 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 petitioner/accused No.1 subject to the following conditions:

- (i) Petitioner/accused No.1 is directed to surrender before the Station House Officer, Vikarabad Town Police Station, on or before 17.04.2025;
- (ii) On such surrender, the Station House Officer of Vikarabad Town Police Station, shall release 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 the satisfaction of the said Officer;

(iii) On such release, the petitioner/accused No.1 shall appear before the Station House Officer, Vikarabad Town Police station, 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 for investigation.

(iv) The 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.

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

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

Date: 11.04.2025
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J.SREENIVAS RAO, J

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The Hon'ble Sri Justice J.Sreenivas Rao

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Date: 11.04.2025

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