

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.4814 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.6, seeking anticipatory bail in F.I.R. No. 59 of 2024 of Kaghaznagar Town Police Station, Komarambheem Asifabad District, registered for the offence punishable under Sections 341, 307, 427, 506 read with Section 149 of the Indian Penal Code, 1860 (for short, 'IPC').

2. The case of prosecution in brief is that on 21.03.2024 at 13-00 hours the *de-facto* complainant Suryakanth Sangle went to the police station and lodged complaint stating that, on 20.03.2024 as per the instructions of his lorry owner by name Akshay, at about 11-00 a.m. he loaded the subable stick in his lorry bearing No. MH 40 CD 8662 at Petshivni Village, Parbhani District and started at 4-00 p.m. and on 21.03.2024 at about 12.00 hours when he was going through Hanuman Temple road, Kaghaznagar, some persons gathered there and they came across to his lorry and told that the

Khagaznagar lorry Association people are on strike and they questioned him as to why he came there and while he was getting down, one person beat him with a stone, due to which he received bleeding injury to his right leg. The other persons damaged the glasses of other lorries with stones and sticks and threatened them by saying if they again brought their lorries, they will kill them. Later he came to know the names of the persons who beat him and damaged the glasses of his lorry as 1) Shiva, 2) Ghouse, 3) Saif, 4) Zakiuddin, 5) Ravi who are residents of Kaghaznagar. Basing on the said complaint, Police have registered the present crime for the aforesaid offences.

3. Heard Mr. Yadu Krishna Sainath, learned counsel for the petitioner and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this case. To resolve the dispute between the *de-facto* complainant and the President of the Lorry Owners Association and the ingredients of Section 307 of IPC are not attracted against the petitioner. Except

the offence under Section 307 of IPC, all the other offences are punishable with an imprisonment below seven years. He further submitted that the petitioner is not having any criminal antecedents and he is 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 petitioner.

5. *Per contra*, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed grave offence and the investigation is not yet completed. Therefore, if the petitioner is granted anticipatory bail, he will influence the witnesses and interfere with the investigation. Hence, the petitioner is 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 the victim has sustained only simple injuries. Even according to the learned Additional Public Prosecutor, the petitioner is not having 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.6 subject to the following conditions:

- i) The petitioner/accused No.6 is directed to surrender before the S.H.O., Kaghaznagar Town Police Station, Mahabubabad District on or before 17.04.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on his 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 petitioner/accused No.6 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 petitioner/accused No.6 shall abide by the conditions stipulated under Section 483(3) of BNSS.
- iv) After release, if the petitioner/accused No.6 is 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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