

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4872 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.5, seeking anticipatory bail in Crime No. 97 of 2023 of Shahalibanda Police Station, Hyderabad registered for the offences punishable under Sections 353, 332, 307 and 506 of Indian Penal Code, 1860 (IPC) and Section 25(1)(A) of Arms Act, 1959.

2. The case of prosecution in brief is that the Station House Officer, Shalibanda Police Station, received a complaint from the complainant, who is a Police constable, stating that on the intervening night of 14/15.07.2023 at about 04:00 hours, while he was performing patrolling duty in Gazibanda, two persons were quarrelling with each other near Heritage Parlour and when he went to stop them, one person punched on his face, due to which he fell down received bleeding injury on his

mouth. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. M.M.Ahmed Khan, learned counsel for the petitioner/accused No.5 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner/accused No.5 has not committed any offence and he was falsely implicated in this crime and the ingredients of Sections 353, 332, 307 and 506 of IPC and Section 25(1)(A) of the Arms Act are not attracted against the petitioner and he is not having any criminal antecedents. He further submitted that the very same allegations as levelled against the petitioner herein were levelled against accused No.3 and accused No.3 approached this Court and was already granted anticipatory bail *vide* order dated 04.09.2024 in Criminal Petition No.10172 of 2024 bail and the entire investigation is completed and chargesheet is also filed and the petitioner be granted

anticipatory bail as he is ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor opposed the bail petition and submitted that the petitioner has committed a grave offence and the investigation is under progress and therefore, if the petitioner is granted anticipatory bail, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by learned counsel for the parties and after perusal of the material available on record, it reveals that the very same allegations as levelled against the petitioner herein are levelled against accused No.3, who approached this Court and filed Criminal Petition No.10172 of 2024 and the same was allowed on 04.09.2024 and anticipatory bail was granted to him. Even

according to the learned Additional Public Prosecutor, the petitioner is not having criminal antecedents and LWs.1 to 10 were already examined.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5, subject to the following conditions:

- (i) Petitioner/Accused No.5 is directed to surrender before the Station House Officer, Shahalibanda Police Station, Hyderabad, on or before 22.04.2025;
- (ii) On such surrender, the Station House Officer, Shahalibanda Police Station, Hyderabad, shall release the petitioner/accused No.5 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 likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.5 shall appear before the Station House Officer, Shahalibanda Police Station, Hyderabad, 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.5 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner/accused No.5 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. Criminal Petition is accordingly allowed.

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

Date: 15.04.2025
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J.SREENIVAS RAO, J