

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5063 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.46 of 2025 on the file of Station House Officer, Annapureddipalli Police Station, Bhadrachali-Kothagudem District, registered for the offences punishable under Sections 318(4) and 308(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The brief facts of the case are that on 25.03.2025 at about 14:30 hours, the Station House Officer, Annapureddypally Police Station, received a complaint stating that the complainant and his villagers are land losers under the Sitarama Lift Irrigation Project and a compensation of

Rs.21,50,000/- was granted in their favour and deposited in the Andhra Pradesh Grameena Vikas Bank, Annapureddypalli, and the accused in the aforesaid crime conspired together and diverted the said amount to their respective accounts by giving false assurance to the complainant and others. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Sri C.Ramachandra Raju, learned counsel for the petitioners/accused Nos.1 and 2, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioners submits that the petitioners/accused Nos.1 and 2 have not committed any offence and they were falsely implicated in the present crime solely on the ground that they filed W.P.No.7852 of 2025 questioning the action of

respondents No.4 and 5 therein in repeatedly calling them to their offices and insisting them to accept financial undertakings with third parties, thereby, interfering with their personal liberty without there being any authority of law and threatening them to implicate in false criminal cases for failure thereof, as illegal and the said writ petition was disposed of on 17.03.2025 directing the respondents therein not to interfere with the life and liberty of the petitioners except in accordance with law and in view of the same, the police have registered the aforesaid crime against the petitioners to harass them.

5. Learned counsel further submitted that even according to the allegations leveled in the complaint the ingredients of Sections 318(4) and 308(5) of BNS are not attracted against the petitioners. The petitioners were arrested on 25.03.2025 and since then they are in judicial

custody and material part of the investigation is already completed except filing of charge sheet and prays to grant anticipatory bail to the petitioners as they are ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by this Court.

6. Per contra, learned Additional Public Prosecutor opposed the bail petition and submits that the petitioners have committed grave offence and the investigation is under progress and therefore, if the petitioners are granted anticipatory bail at this stage, they will interfere with the investigation and influence the witnesses and prayed to dismiss the criminal petition.

7. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that prior to registration of the aforesaid crime, the petitioners have filed the writ

petition seeking a direction to the respondents authorities therein not to interfere with their personal liberty and the said writ petition disposed of on 17.03.2025 and immediately thereafter, the aforesaid crime was registered against the petitioners and they were arrested on 25.03.2025. Even according to the learned Additional Public Prosecutor, seven witnesses were already examined.

8. In view of the same, this Court is inclined to release the petitioners on bail subject to the following conditions:

(i) The petitioners/accused Nos.1 and 2 shall execute personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of II Additional Judicial First Class Magistrate, Bhadravadi-Kothagudem District.

(ii) On such release, the petitioners/accused Nos.1 and 2 shall appear before the concerned Station House Officer at 11.00 A.M. on every

Monday, for a period of eight (8) 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 in Section 483 (3) of BNSS.

9. Accordingly, this Criminal Petition is allowed.

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

Date: 21.04.2025
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J.SREENIVAS RAO, J