

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5034 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.1 and 2 in Crime No.216 of 2025 on the file of Miyapur Police Station, Cyberabad, registered for the offences punishable under Sections 109 r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 16.02.2025 at 4-30 a.m. the *de-facto* complainant A.Keshav Reddy lodged a report at Miyapur Police Station stating that on 16.02.2025 at 12.10 a.m. while he was coming out of his house in his Innova Car, one chicken pakodi vehicle bearing No.TS18T6133 came from opposite direction and placed his cart blocking his way and when he asked to remove the cart, he started abusing the *de-facto* complainant in filthy language. Thereafter two persons from the street by name Shiva Kumar and Sai Kumar questioned the driver of the chicken pakodi vehicle as to why he was abusing, on that the said person started abusing Shiva Kumar and Sai Kumar and

threatened to kill them and he called another person, who went there with a knife and attacked the *de-facto* complainant and others due to which the *de-facto* complainant sustained a bleeding injury on the lower part of right hand and Sai Kumar sustained bleeding injury on left hand on upper arm and Shiva Kumar sustained injuries on left hand, right hand fingers, cheek and chest. Basing on the said complaint, the present crime was registered for the aforesaid offences against the petitioners.

3. Heard Mr.S.Nagesh Reddy, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that petitioners have not committed any offence and they were falsely implicated in the present crime. He further submitted that even according to the allegations made in the complaint, the ingredients of Section 109 of BNS are not attracted against the petitioners. He further submitted that the *de-facto* complainant himself abused the petitioners in filthy language and petitioners have not beaten him. He further submitted that petitioners were arrested on 19.03.2025 and since then they are in judicial custody and they are not having

any other criminal antecedents. He further submitted that entire investigation is completed, except filing of charge sheet and they are ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence and specific allegations are levelled against them. He further submitted that investigating officer after completion of investigation filed charge sheet on 31.03.2025 before the VIII Additional Judicial Magistrate of First Class at Kukatpally, Cyberabad and awaiting for consideration. If the petitioners are released on bail, they will commit the very same offence and petitioner No.1 is not having any criminal antecedents and petitioner No.2 is involved in Crime No.433 of 2023 registered for the offence under Section 326 of IPC of KPHB Colony Police Station, except the said crime, there are no other criminal cases pending against him. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on

record, it reveals that petitioners were arrested on 19.03.2025 and since then they are in judicial custody. Even according to the learned Additional Public Prosecutor, investigating officer after completion of investigation has filed charge sheet before the VIII Additional Judicial Magistrate of First Class at Kukatpally, Cyberabad on 31.03.2025.

7. Taking into consideration the said facts and circumstances, this Court is inclined to grant bail to the petitioners/accused Nos.1 and 2 subject to the following conditions;

- (i) The petitioners/accused Nos.1 and 2 shall be released on bail on each of them executing a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of VIII Additional Judicial Magistrate of First Class at Kukatpally, Cyberabad.
- (ii) After release, petitioners/accused Nos.1 and 2 shall appear before the VIII Additional Judicial Magistrate of First Class Court at Kukatpally, Cyberabad on each and every adjournment.
- iii) After release, if the petitioners/accused Nos.1 and 2 indulges in similar type of offence in future, the

respondent-State is entitled to file application seeking cancellation of bail granted in their favour.

- (iv) The petitioners/accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 21.04.2025

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