

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5058 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.2 and 3, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (for short 'BNSS'), in connection with Crime No.35 of 2025 on the file of Station House Officer, Adilabad I Town Police Station, Adilabad District, registered for the offence punishable under Section 118(1) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The brief facts of the case are that on 23.01.2025 at about 22:00 hours, the Station House Officer, Adilabad I Town Police Station, received a complaint from the complainant stating that in the evening at about 17:00 hours, one Arbaz, who was due an amount of Rs.4 lakhs to his son- Imran, telephoned his son and asked him to come to his house at Shadnagar to take back the said amount and when his son went

there, Arbaz, his two brothers *i.e.*, the petitioners herein and two others hit him with stick and rod and other four persons caught hold of his son, due to which his son received injuries. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. S.Ravi Kiran Reddy, learned counsel for the petitioners/accused Nos.2 and 3 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged against them and they were falsely implicated in this crime and even according to the allegations made in the complaint, the entire allegations are levelled against accused No.1 only and there are no monitory disputes between accused No.1 and the victim. He further submits that accuse No.1 was arrested and released on bail on 19.02.2025 and the petitioners are not having any

criminal antecedents and they are eking out their livelihood by doing business and they be granted anticipatory bail as they are ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. On the other hand, learned Additional Public Prosecutor opposed the bail petition stating that the petitioners have committed grave offence and the investigation is under progress and at this stage, the petitioners are 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 basing on the complaint made by the *de facto* complainant, initially the crime was registered for the offence punishable under Section 118(1) of BNS, but later the section of law was altered to Section 118(2) of BNS and four witnesses were already examined and the petitioners herein are not having any criminal antecedents. He

further submits that accused No.1 in the aforesaid crime was already arrested and enlarged on bail on 19.02.2025.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.2 and 3 subject to the following conditions:

- (i) Petitioners/Accused Nos.2 and 3 are directed to surrender before the Station House Officer, Adilabad I Town Police Station, Adilabad, on or before 26.04.2025;
- (ii) On such surrender, the Station House Officer, Adilabad I Town Police Station, Adilabad, shall release the petitioners/accused Nos.2 and 3 on bail on their executing personal bonds for a sum of Rs.30,000/- (Rupees Thirty thousand only) each with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioners/accused Nos.2 and 3 shall appear before the Station House Officer, Adilabad I Town Police Station, Adilabad, 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) Petitioners/accused Nos.2 and 3 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioners/accused Nos.2 and 3 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. Accordingly, the 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