

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5092 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.42 of 2025 on the file of Station House Officer, Kodad Rural Police Station, Suryapet District, registered for the offences punishable under Sections 118(2) and 115(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The brief facts of the case are that on 24.02.2025 at about 17:00 hours, the Station House Officer, Kodad Rural Police Station, received a complaint from the complainant stating that he married Gugulothu Bindu in the year 2012 and they were blessed with a son and thereafter, some matrimonial disputes arose and they are living separately since 2015 and his wife agreed to give divorce in the presence of elders but later,

his in-laws and their relatives have attacked him on three different occasions and tried to kill him, as a consequence of which, he got fractured his right bones. Basing on the said complaint, the aforesaid crime was registered against the accused.

3. Heard Mr. Veera Babu Gandu, 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 to dissolve the disputes, which are pending between accused No.1 and the *de facto* complainant. He further submits that initially crime was registered under Sections 118(1) and 115(2) r/w Section 3(5) of BNS, but with an intention to harass the petitioner and to avoid the procedure contemplated under Section 35(3) of

BNSS, at the instance of *de facto* complainant, police altered the section of law from Section 118(1) to 118(2) of BNS.

5. Learned counsel for the petitioners further submits that petitioner No.1/accused No.2 is working as an outsourcing employee and eking out his livelihood and petitioner No.2 is suffering from old age ailments and they are not having any criminal antecedents 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.

6. Per contra, learned Additional Public Prosecutor opposed the bail petition stating that the petitioners have committed grave offence and the victim suffered grievous injuries and the investigation is under progress and at this stage, the petitioners are not entitled for grant of anticipatory bail.

7. 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 main allegations are levelled against accused Nos.1 and 2 only and there are no specific allegations against petitioner No.2/accused No.3 to attract the ingredients of Section 118(2) of BNS. Even according to the learned counsel for the petitioners, petitioner No.2/accused No.3 is suffering from old age ailments and he is not having any criminal antecedents.

8. In view of the same, this Court is inclined to grant anticipatory bail in favour of petitioner No.2/accused No.3 only subject to the following conditions:

- (i) Petitioner No.2/Accused No.3 is directed to surrender before the Station House Officer, Kodad Rural Police Station, Suryapet District, on or before 26.04.2025;
- (ii) On such surrender, the Station House Officer, Kodad Rural Police Station, Suryapet District, shall release the petitioner No.2/accused No.3 on bail on his executing 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 No.2/accused No.3 shall appear before the Station House Officer, Kodad Rural Police Station, Suryapet District, 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 No.2/accused No.3 shall not interfere with the investigation nor influence the witnesses.

(v) Petitioner No.2/accused No.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.

9. In so far as petitioner No.1/accused No.2 is concerned, this Court is not inclined to grant anticipatory bail to him and the Criminal Petition stands dismissed *qua* petitioner No.1/accused No.2.

10. Accordingly, the Criminal Petition is partly allowed.

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

Date: 21.04.2025
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J.SREENIVAS RAO, J