

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**CRIMINAL PETITION No. 5114 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 petitioner/accused No.1 in Crime No.42 of 2025 on the file of Hatnoora Police Station, Sangareddy District, registered for the offences punishable under Sections 109, 352, 191(2) and 191(3) r/w 190 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 18.03.2025 at around 8.00 p.m., when L.W.9-M. Krishna was arguing with the father of accused No.1 regarding removing of sand under his Tamarind tree, accused No. 1 beat him, when L.W.10-Hari Mohan, who was nearby saw him and asked as to why he was hitting him, accused No.1 beat him with a stick, causing blood wound on his ear, when L.W.9's younger father's sons L.W.11-Prabhakar and Vikram came and tried to rescue him, six to seven of accused came and attacked them. Again on the next day morning at around 7.00 a.m., while L.W.10-Hari Mohan was sitting at his house, accused

Nos.1 to 8 went to his house with a mob of sticks and iron pipe and in furtherance of their plan, accused Nos. 1 and 2 took the sticks and accused No. 5 took the iron pipe, attacked and beat L.W.10-Hari Mohan, as a result, he sustained blood injuries on head and bones in his chest and left hand were broken. When the said Prabhakar and Vikram and L.W.1-Vineeth went to rescue him, mean time accused Nos. 2 and 6 hit L.W.9-Krishna with sticks, as a result, he sustained severe head and chest injuries and his bones were broken in the chest. Further accused No. 1 hit the said Prabhakar and Vikram with sticks, as a result Prabhakar sustained head injury and had stitches and L.W.1 Vineeth sustained injury on his left hand whereas Vikram was hit by accused No. 1 and 2 with sticks, as a result, he sustained severe head injuries and undergone operation and he is on the verge of death, thereby accused Nos. 1 and 2 have committed the above offences.

3. Heard Sri A.Prabhaker Rao, learned counsel, representing Sri B.Gopal, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of Section 109 of BNS are not attracted against the petitioner. The other offences levelled against the accused are punishable with imprisonment below seven years. He further submitted that the petitioner himself sustained injuries in the hands of the de-facto complainant and others on 18.03.2025, immediately the father of the petitioner lodged a complaint against the *de-facto* complainant and others and basing on the said complaint, the present crime was registered for the aforesaid offences. The de-facto complainant lodged the present complaint as a counter blast against the petitioner and others and there are civil disputes pending between the petitioner and *de-facto* complainant in respect of the property and to dissolve the said disputes. He further submitted that the petitioner was arrested on 19.03.2025 and since then he is in judicial custody. Even according to the counter affidavit filed by the investigating officer before the trial Court in CrI.M.P.No.151 of 2025 on the file of the Principal District and Sessions Judge, Sangareddy, the

investigation is completed. The petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and he is not having any criminal antecedents. Hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and the investigation is under progress and charge sheet is not yet filed and at this stage if the petitioner is enlarged on bail, there is every chance to interfere with the investigation and also influence the witnesses. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that in respect of the property, there are civil disputes pending between the petitioner and *de-facto* complainant and as the petitioner has sustained injuries, father of the petitioner lodged a complaint against the *de-facto* complainant and others on 18.03.2025 and basing on the said complaint, Crime No.43 of 2025 was registered and basing on the complaint lodged by the *de-facto* complainant, present crime was registered against the petitioner and others. Petitioner was arrested on 19.03.2025 and since then he

is in judicial custody. Even according to the learned Additional Public Prosecutor, 18 witnesses were already examined and the petitioner is not having criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions.

- (i) The petitioner/accused No.1 shall be released on bail on 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 the Judicial First Class Magistrate-cum-Special Mobile Court at Sangareddy.
- (ii) The petitioner/accused No.1 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii) After release, if the petitioner/accused No.1 indulges in similar type of offence in future, the respondent-State is entitled to file an application seeking cancellation of bail granted in his favour.

(iv) The petitioner/accused No.1 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.

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**JUSTICE J.SREENIVAS RAO**

Date: 21.04.2025

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