

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5164 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.2 to 6 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 petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were 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 petitioners. The other offences levelled against the accused are punishable with imprisonment below seven years. He further submitted that the petitioners were arrested on 25.03.2025 and since then they are 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 petitioners 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 they are not having any other criminal antecedents. Hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence and the investigation is under progress and charge sheet is not yet filed and at this stage if the petitioners are 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 the petitioners were arrested on 25.03.2025 and since then they are in judicial custody. Even according to the learned Additional Public Prosecutor, 18 witnesses were already examined and the petitioners are not having criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant bail to the petitioners/accused Nos.2 to 6 subject to the following conditions.

- (i) The petitioners/accused Nos.2 to 6 shall be released on bail on executing a personal bond for a sum of Rs.30,000/-(Rupees thirty thousand only) each 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 petitioners/accused Nos.2 to 6 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 petitioners/accused Nos.2 to 6 indulges in similar type of offence in future, the respondent-State is entitled to file an application seeking cancellation of bail granted in their favour.
- (iv) The petitioners/accused Nos.2 to 6 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: 22.04.2025

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