

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5209 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.1 and 2, seeking anticipatory bail in Crime No.74 of 2025 of CCC Naspur Police Station, Ramagundam District registered for the offences punishable under Sections 296(b), 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Act, 1989.

2. Heard Sri N.Janardhan Reddy, learned counsel, representing Sri N.Indrasena Reddy, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1-State.

3. The case of prosecution in brief is that on 14.03.2025 at 14-00 hours the complainant filed a complaint with the police stating that they are residing in the house of Chinthakindi Mallesh on rent basis. They belong to Bopparam village, Kataram Mandal,

Bhupalapalli District. In their colony, one Bandari Venkatesh sold his kirana shop furniture to Velpula Sampath. The said furniture kept in another portion of her owner. Their owner told them to vacate the furniture as the portion gone for rent, on that they kept the furniture outside of the portion. On 27.02.2025 at 14-00 hours Velpula Smapath along with his father-in-law Sanjjanapu Sampath came there, asked her and her husband Rajabapu, who kept the furniture outside. For which they replied him as per the instructions of their owner, they keep the furniture outside. On that they both abused them in filthy language. She and her husband questioned them as to why they were abusing in filthy language. For which they both abused her and her husband by taking their caste name as 'Madiga Lanja Kodukulara, Madiga Lanjalara meeru enduku ma samanulu bayata pettaru' and threatened them with dire consequences. They discussed the matter with their caste elders and lodged a complaint. Basing on the said complaint, the police have registered the present crime for the aforesaid offences.

4. Learned counsel for the petitioners submitted

that the petitioners have not committed any offence and they were falsely implicated in this case. Even according to the allegations levelled in the complaint, except the offences under the SCs/STs (POA) Act, 1989, all the other offences levelled against the petitioners are punishable with imprisonment less than seven years. Though the petitioners never abused the *de-facto* complainant in the name of her caste, with an intention to harass them, the *de-facto* complainant added those words in her complaint and therefore, the ingredients of Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Act, 1989 are not attracted against the petitioners. The petitioners are resident of Teegalpahad village, Mancherial District and they are not having any criminal antecedents and they are ready and willing to cooperate with the investigation pending if any and he will abide by the conditions, which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed grave offence and the investigation is under progress. If the petitioners are granted anticipatory bail, they will interfere

with the investigation and tried to influence the witnesses and therefore, they are not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that except the offences under the SCs/STs (POA) Act, 1989, all the other offences levelled against the petitioners are punishable with imprisonment less than seven years. Even according to the learned Additional Public Prosecutor, the petitioners are not having criminal antecedents. Learned counsel for the petitioners submitted that the petitioners never abused the *de-facto* complainant in the name of her caste. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2, subject to the following conditions:

- i) The petitioners/accused Nos.1 and 2 are directed to surrender before the S.H.O., CCC Naspur Police Station, on or before 29.04.2025 and on such surrender, the Station House Officer is directed to release the petitioners 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 his satisfaction.

- ii) After release, the petitioners/accused Nos.1 and 2 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) After release, the petitioners/accused Nos.1 and 2 shall not interfere with the investigation or influence the witnesses during the course of investigation.
- iv) After release, if the petitioners/accused Nos.1 and 2 commit similar offence, respondent No.1 is entitled to file an application seeking for cancellation of this anticipatory bail.
- v) The petitioners/accused Nos.1 and 2 shall abide by the conditions stipulated under Section 482 (2) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 22.04.2025
pgp