

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5293 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.2 & 3 in Crime No.273 of 2024 dated 26.12.2024 on the file of the Police Station, Kataram, Jayashankar Bhupalpally District registered for the offences punishable under Section 109 r/w 3(5) BNS.

2. The case of the prosecution is that on 23.12.2024 at about 21.00 hours, the *de facto* complainant lodged a complaint stating that on the same day at about 13.30 hours there was a quarrel took place between Bommana Malla Reddy and accused No.1 and on seeing that he went there and stopped the said quarrel and sent them. On the same day, at about 21.00 hours, while the *de facto* complainant was talking to his friends Nishanth, Naveen Yadav, Chimala Madhav at Nishanth's house in Ippalagudem, accused Nos.1 to 3 came to him and attacked with an axe with an intention to kill him, as he was supporting to Bommana Malla Reddy. Basing on the same, crime No.273 of 2024 was registered.

3. Heard Mr. Anuganti Praneeth, learned counsel for the petitioners/accused Nos.2 and 3 and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent -State.

4. Learned counsel for the petitioner submitted that the petitioners have not committed the alleged offence and they were falsely implicated in the crime. The ingredients of Section 109 of the BNS are not attracted against the petitioners. The *de facto* complainant lodged the complaint on 26.12.2024 and prior to lodging of the complaint, the accused No.1 lodged a complaint on 23.12.2024 against Bommana Malla Reddy and others, and the same was registered as Crime No.272 of 2024. At the instance of accused therein, the *de facto* complainant filed the present crime against the petitioners, as a counter blast. He further submitted that the accused No.1 approached this Court and filed anticipatory bail application in Criminal Petition No.3401 of 2025 and this Court allowed the same on 24.03.2025 and the petitioners are also entitled for grant of the anticipatory and also submits that the petitioners are ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence under Section 109 r/w 3(5) BNS. It is further submitted that investigation is under progress and if the petitioners/accused Nos.2 and 3 are granted anticipatory bail at this stage, they may tamper the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that accused No.1 lodged complaint on 23.12.2024 against Bommana Malla Reddy and others, and the same was registered as Crime No.272 of 2024. It is not disputed that Accused No.1 had approached this Court and filed Criminal Petition No.3401 of 2025 for grant of anticipatory bail and this Court allowed the said criminal petition on 24.03.2025. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.2 & 3 with the following conditions:

- (i) Petitioners/accused Nos.2 and 3 are directed to surrender before the S.H.O., Police Station, Kataram, Jayashankar Bhupalpally District on or before 30.04.2025 and on such surrender, they shall be enlarged 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) On such release, petitioners/accused Nos.2 and 3 shall appear before the S.H.O., Police Station, Kataram, Jayashankar Bhupalpally District on every Monday at 11-00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) Petitioners/accused Nos.2 and 3 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.
- (iv) Petitioners/accused Nos.2 and 3 shall not interfere with the investigation or influence the witnesses.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 23.04.2025

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