

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO. 5298 OF 2025

ORDER:

This Criminal Petition is filed by the petitioners/accused Nos.1 to 3 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to grant regular bail in Crime No.59 of 2025 of Shivampet Police Station, Medak District, registered for the offence punishable under Sections 109(1), 329(4) and 352 read with Section 3(5) of BNS.

2. Heard Sri A. Eshwar, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent.

3. The case of the prosecution is that on 20.03.2025 at 09:00 hours the complainant filed the complaint stating that there are some petty issues between him and his younger brother i.e., petitioner No.1 herein. On 20.03.2025 at 02:00 hours the petitioners and the wife of petitioner No.1 criminally trespassed into his house and broke the house doors and attacked him with axe, rods and stones and attempted to kill him and his family. Basing on the said complaint, the present crime has been registered for the above said offences.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence and they were falsely implicated in the present crime. The de-facto complainant and petitioner No.1 are own brothers and there is a property dispute pending between them and in order to dissolve the said dispute, the de-facto complainant lodged the present complaint. Therefore, the ingredients of Sections 109(1), 329(4) and 352 read with Section 3(5) of BNS do not attract to the petitioners. He further submits that petitioner Nos.2 and 3/A2 and A3 are eking their livelihood by doing private employment and are residing at Hyderabad and that they are not having any criminal antecedents. He further submits that the petitioners were arrested on 20.03.2025 and since then they were in judicial custody. Petitioner No.1 is a senior citizen suffering with age old ailments. He further submits that the petitioners are ready and willing to cooperate with the investigation and also the conditions which are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioners have committed grave offence and the victim sustained grievous injuries and that investigation is under

progress. At this stage, if the petitioners are released on bail, there is every chance of influencing the witnesses and interfering with the investigation. Therefore, the petitioners are not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner No.1 and the de-facto complainant are own brothers and property disputes are pending between them. According to the learned counsel for the petitioners, petitioner Nos.2 and 3 are doing private job and residing at Hyderabad. The petitioners were arrested on 20.03.2025 and since then they were in judicial custody. Even according to the learned Additional Public Prosecutor 9 witnesses were examined and the petitioners are not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners subject to the following conditions:

- (1) The petitioners/A1 to A3 are enlarged on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties

for a like sum each to the satisfaction of the Junior Civil Judge-cum-Judicial First Class Magistrate at Narsapur.

(2) The petitioners/A1 to A3 shall appear before the concerned SHO at 11:00 A.M. on every Sunday commencing from 27.04.2025 for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter as and when required.

(3) After release, the petitioners/A1 to A3 shall not enter into Timmapur village and contract the victim till filing of the charge sheet.

(4) After release, if the petitioners/A1 to A3 indulge in the very same offence, the respondent State is at liberty to file an application seeking cancellation of the bail granted to the petitioners.

(5) The petitioners/A1 to A3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the Criminal Petition is allowed.

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

J.SREENIVAS RAO, J

Date: 23.04.2025
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