

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5386 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 to 3, seeking anticipatory bail in Crime No.250 of 2025 of Film Nagar Police Station, Hyderabad registered for the offence punishable under Section 109(2), 190 r/w 189 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Sri N.Krishna Sumanth, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 11.04.2025 at about 03-30 hrs, Syed Naseer Hussain lodged a compliant with the police stating that his elder brother by name Syed Jalaal Hussain was running Zunarira Exclusive Clothes shop at Tolichowki, Hyderabad for the past 3 years. From the past one month, the building owner by name Saleem and his family members were harassing and demanding his brother to pay certain

amount to use the display wall. Despite not being the owner of the shop, they were demanding Rs.10,000/- per month, and if his brother failed to pay, they were threatening him with dire consequences. On 10.04.2025 at 23-10 hours, his brother's shop workers left and closed the shop. In the meantime, their shop wall and display wall were broken by Saleem and others, which was noticed by their worker and informed the same to his brother. Immediately, his brother Syed Jalaal Hussain went near the shop at 23-45 hours and saw that the wall was broken. When his brother questioned about the reason, Saleem, his sons namely Salman, Sohail, and others took the nearby iron rods and wooden sticks and started beating him on his body and head, due to which, his brother received severe bleeding injuries to his head, chest, and right hand. At that time, his brother's friends who were along with him, stopped them, and took his brother to Apollo Hospital for treatment. Hence, he requested the kind officer to take necessary action as per law on the above-said Saleem, Salman, Sohail and other who injured his brother. Basing on the said complaint, the present crime was registered 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. He further submitted that the victim sustained minor injury and on the very same day he was discharged from the hospital and therefore, the ingredients of Section 109(2) of BNS are not attracted to the petitioners. Except the said offence, the other offences are punishable with imprisonment of below seven years only. The petitioners are doing hardware business and they are not having criminal antecedents. The petitioners are ready and willing to cooperate with the investigation and they 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 a 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. 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 the petitioners are doing hardware business and the victim is doing cloth business and their shops are adjacent to each other. Even according to the learned Additional Public Prosecutor, the Investigating Officer examined eight witnesses and the victim sustained simple injury and the petitioners are not having criminal antecedents. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 3, subject to the following conditions:

- i) The petitioners/accused Nos.1 to 3 are directed to surrender before the S.H.O., Film Nagar Police Station, Hyderabad on or before 30.04.2025 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.25,000/- (Rupees Twenty Five thousand only), with two sureties for a like sum each to his satisfaction.
- ii) After release, the petitioners/accused Nos.1 to 3 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 to 3 shall not interfere with the investigation or influence the witnesses during the course of investigation.
- iv) The petitioners/accused Nos.1 to 3 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: 24.04.2025
pgp