

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5472 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.80 of 2025 of Echoda Police Station, Adilabad District, registered for the offences punishable under Sections 308(5), 61(2) read with 3(5) of BNS.

2. Heard Mr. S.Ravi Kiran Reddy, learned counsel for the petitioner/accused No.2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 25.03.2025 at 00.15 hours complainant by name Gollena Rajendet Gollena Ramchandar, age: 30 yrs, caste: BC-Golla, Occ: Business., r/o Gim Vig Bazarhathnoor Mdi, present at Subash Nagar, Ichoda Vlg & Mandal came to PS and lodged a written complaint in

Telugu and Stated that accused No.2 who belongs to his village, hired accused No.1 of Ichoda Village by giving money to kill the complainant, as there were disputes between them. On 16.03.2025 at about 15.00 hrs accused No.1 came to complainant mobile shop and told that accused No.2 has hired him to kill the *de facto* complainant and threatened him to give Money, then only he will leave him otherwise he will kill him. Since, one week accused No.1 was calling on his phone and was threatening him and made him panic, due to fear of accused No.1, on 24.03.2025 complainant sent him Rs.2000/- through phone pay and again he threatened him to give Rs.10,000/- on which complainant told him he will pay later, due to threatening and fear of life, complainant delayed in lodging the petition. Hence complainant requested to take necessary action.

4. Learned counsel for the petitioner/accused No.2 submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. There are no

allegations against the petitioner, the entire allegations are against accused No.1 only. The ingredients under Section 308(5) and 61(2) of BNS do not attract the petitioner. He further submitted that the petitioner is doing agricultural labour work and eking out his livelihood and he is ready and willing to cooperate with the investigating officer and also abide by the conditions that may be imposed by the Court.

5. *Per contra*, learned Additional Public Prosecutor submits that the petitioner has committed offence and the investigation is under progress and if the petitioner/accused No.2 is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, it reveals that basing upon the allegations made by accused No.1 only, the complainant implicated the petitioner as accused No.2 and there are no specific allegations against the petitioner.

Even according to the learned Additional Public Prosecutor 3 witnesses were already examined. Accused No.1 was already arrested on 27.03.2025. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions:

- (i) Petitioner/accused No.2 is directed to surrender before the Station House Officer, Echoda Police Station Police Station, on or before 03.05.2025;
- (ii) On such surrender, the Station House Officer of Echoda Police Station Police Station, shall release the petitioner on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.2 shall appear before the Station House Officer, Echoda Police Station Police Station, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and

thereafter, as and when required for investigation.

(iv) Petitioner/accused No.2 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

7. Subject to the above directions, the Criminal Petition is allowed. No costs.

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

Date: 28.04.2025
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J.SREENIVAS RAO, J

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