

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5612 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 petitioner/accused No.43 in Crime No.45 of 2025 on the file of the P.S.Noothankal, Suryapet, registered for the offences punishable under Sections 249, 189(2), 191(2), 191(3), 61(2) and 103(2) r/w 190 of BNS.

2. The case of the prosecution is that on 17.03.2025, the 4th daughter of the deceased lodged a complaint stating about 15 years ago her father elected as village sarpanch from Congress I Party and husband of third sister also worked together with her father in the same party. Due to some controversies between them in TRS party, her father again joined Congress I Party. When auction was going on for temple land in the premises of Grampanchayath, A1 and his henchmen picked up quarrel with her father and beat him. There were police cases between them. On 17.03.2025 in the evening hours at about 4.00 hours her father was coming to house

from the agriculture land, on the way when he reached at the agriculture land of Konda Linge the henchmen of A1 attacked on her father with deadly weapons i.e. axes and sticks with an intention to kill him put a mask on his face and slashed strongly on his head, legs and right hand. At that time, while Velpula Mahesh and Velpula Ravi who were nearby grazing sheep saw and raised cries, they all escaped from there. While Velpula Ravi informed Daripelli Veeranna about this matter over mobile phone, Veeranna and some other villagers went to her father, shifted him in Car up to Epoor village, from there shifted in an Ambulance to Govt. Hospital Suryapet for treatment where the duty doctor observed her father died. Basing on the same a case was registered in Crime No.45 of 2025.

3. Heard Sri Srikanth Surat, learned counsel for petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime, basing on the confession statement given by accused

No.5 and there are no allegations against the petitioner either in the complaint or in the remand case diary to attract the ingredients of Section 103(2) of BNS. He further submitted that the alleged incident took place pursuant to legal advice given by the advocate. Acting on such advice, the petitioner informed the accused to surrender before the Thungathurthy Court and also provided a sum of money for engaging a vehicle for that purpose. He further submitted that similar allegations are levelled against accused Nos.20 to 23 and 29, as they were against petitioner/accused No.43 and they approached this Court and filed CrI.P.No.5565 of 2025, seeking bail and this Court granted bail to them on 29.04.2025 and the petitioner is also entitled for grant of anticipatory bail. He further submitted that the petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and the investigation is

under progress and charge sheet is not yet filed. He further submitted that petitioner is not entitled to seek anticipatory bail basing upon the regular bail granted by this Court in favour of accused Nos.20 to 23 and 29. He further submitted that investigation is under progress and at this stage if the petitioner is enlarged on anticipatory bail, there is every chance to interfere with the investigation and also influence the witness. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that there are no specific allegations against the petitioner either in the complaint or in the remand case diary. However, petitioner is arrayed as accused No.43, basing upon the confession statement given by accused No.5, wherein accused No.5 only stated that on the advice given by the advocate, the petitioner, who is his relative, informed the accused to surrender before the Thungathurthy Court. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused No.43 subject to the following conditions.

1. The petitioner/accused No.43 shall surrender before the Station House Officer of P.S.Noothankal, Suryapet, on or before 06.05.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.43 on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five Thousand only) with two sureties, for the like sum each.
2. After release, the petitioner/accused No.43 shall appear before the concerned SHO at 11.00 A.M. on every Monday, 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 petitioner/accused No.43 shall not influence the witnesses or interfere with the investigation.
4. The petitioner/accused No.43 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 01.05.2025
vsl