

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5556 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.1 and 2 in Crime No.62 of 2025 of Gattu Mandal Police Station, Gadwal District, registered for the offence punishable under Sections 329(3), 119(1), 118(1), 115(2), 352 and 351(2) r/w 3(5) of BNS.

2. The case of prosecution in brief is that on 16.04.2025 complainant lodged a complaint, stating that while he and other two persons were working in their agricultural land, petitioners and some others criminally trespassed into their land and picked up quarrel by threatening and abusing them in filthy language and beaten them with sticks. Basing on the said complaint, the present crime is registered for the aforesaid offences.

3. Heard Ms.Srilekha Pujari, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were falsely implicated in this case, to settle the property disputes. She further submitted that the complainant received simple injuries and the Police within an intention to harass the petitioners, included Section 119(1) of BNS and the imprisonment prescribed for the other offences is below seven years. She further submitted that even according to the allegations made in the complaint, the ingredients of Section 119(1) of BNS are not attracted against the petitioners. She further submitted that petitioners are ready and willing to cooperate with the investigation and will abide by the conditions, which are going to be imposed by this Court and hence, prayed for anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioners committed grave offence and petitioner No.1/accused No.1 is involved in 9 cases and the investigation is under progress. Therefore, if the petitioners are granted anticipatory bail, there is every chance to influence the witnesses and to interfere with the investigation. 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 the complainant sustained simple injuries. As per the instructions furnished by the Sub-Inspector of Police, Gattu Mandal P.S., Jogulamba Gadwal District, petitioner No.1/accused No.1 is involved in 9 cases and petitioner No.2/accused No.2 is not having any other criminal antecedents, and investigation is under progress.

7. Taking into consideration the above facts, since petitioner No.1/accused No.1 is involved in 9 cases, this Court is not inclined to grant anticipatory bail to petitioner No.1/accused No.1, at this stage, especially investigation is under progress. Hence, the petition stands dismissed in respect of petitioner No.1/accused No.1. Insofar as petitioner No.2 /accused No.2 is concerned, since there are no criminal antecedents against the petitioner No.2/accused No.2, this Court is inclined to grant anticipatory bail to petitioner No.2/accused No.2, subject to the following conditions.

1. The petitioner No.2/accused No.2 shall surrender before the Station House Officer of P.S. Gattu Mandal, Jogulamba Gadwal District, on or before 05.05.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused 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. On such release, petitioner No.2/accused No.2 shall appear before the S.H.O., P.S.Ghattu (M), Jogulamba Gadwal 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, for the purpose of investigation, and thereafter, as and when required.
 3. After release, the petitioner/accused No.2 shall not influence the witnesses or interfere with the investigation.
 4. Petitioner No.2/accused No.2 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.
8. Accordingly, the Criminal Petition is allowed in part. Insofar as petitioner No.1/accused No.1 is concerned, this petition is dismissed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

J. SREENIVAS RAO, J

Date: 30.04.2025.

vsl