

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5615 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.8 in Crime No.117 of 2025 on the file of Bhupalpally Police Station, Jayashankar Bhupalpally District, registered for the offences punishable under Sections 191(2), 191(3), 61(2), 126(2), 103(2), 238, 249(A) r/w 190 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 20.02.2025 at 2-20 hours the de-facto complainant-Nagavelli Sarala lodged report alleging that they had land opposite to Police Station Bhupalpally and there is a dispute between her family and Ranikuntla Sanjeev, Renikuntla Komuraiah and his family, while the said persons tried to grab their land, they approached the civil Court and filed a case, there is a scope to deliver the judgment in favour of her family, on that the above persons were decided to eliminate her husband Rajalingamurthy/deceased at any cost to grab their land. Accordingly, on 19.02.2025 at about 7-00 p.m. near TBGKS Office, Bhupalpally, while the deceased was going on a two

wheeler, the accused Nos.1 to 4 came on two bikes and stopped her husband and beat him on his head with rods and stabbed him in his stomach with knives and killed him. Basing on the said statement, the present crime was registered for the aforesaid offences.

3. Heard Mr. Vinod Kumar Deshpande, learned Senior Counsel, representing Mr.Emmadi Upender, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime as accused No.8 due to political rivalry. Even according to the allegations made in the complaint as well as the remand case diary, the ingredients of Section 103(2) of BNS are not attracted against the petitioner and except the said offence, all the other offences are punishable with imprisonment of below seven years. He further submitted that entire allegations are leveled against accused Nos.2 and 7 and they were already arrested and enlarged on bail by the Court below. The very same allegations are leveled against the petitioner and he was arrested on 20.03.2025 and since then he is in judicial custody. He further submitted that the petitioner

is ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and the investigation is under progress. If the petitioner is enlarged on bail, he will interfere with the investigation and tried to influence the witnesses. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 20.03.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, 10 witnesses were already examined. It is not in dispute that accused Nos. 2 and 7 were already enlarged on bail on 25.04.2025 *vide* CrI.M.P.Nos.119 and 121 of 2025 respectively by the Principal Sessions Judge, Jayashankar Bhupalpally.

7. Taking into consideration the said facts and circumstances, this Court is inclined to grant bail to the petitioner/accused No.8 subject to the following conditions;

- (i) The petitioner/accused No.8 shall be released on bail on his executing a personal bond for a sum

of Rs.30,000/-(Rupees thirty thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Bhupalpally.

- (ii) After release, petitioner/accused No.8 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, if the petitioner/accused No.8 indulges in similar type of offence in future, the respondent-State is entitled to file an application seeking cancellation of bail granted in his favour.
 - (iv) The petitioner/accused No.8 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 29.04.2025
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