

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6020 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.41 in Crime No.45 of 2025 on the file of the P.S.Noothankal, Suryapet District, registered for the offences punishable under Sections 189(2), 191(2), 191(3), 61(2) and 103(2) r/w 190 of the Bharatiya Nyaya Sanhita (for short "BNS").

2. The case of the prosecution is that on 17.03.2025, the 4th daughter of the deceased lodged a complaint stating that, 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, Accused No.1 and his henchmen picked up quarrel with her father

and beat him. There were police cases between them. On 17.03.2025 at about 4.00 P.M, her father was coming to house from the agriculture land, on the way when he reached the agriculture land of Konda Linge, the henchmen of Accused No.1 attacked 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 a Car up to Epoor village and from there he was shifted in an Ambulance to Government Hospital Suryapet for treatment, where the duty doctor declared her father dead. Basing on the same, present case was registered for the aforesaid offences.

3. Heard Sri C.Hari Preeth, learned counsel for the petitioner and Mr.D. Arun Kumar, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed alleged offence and he was falsely implicated in the above crime, basing on the confession statement given by accused No.32 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.41 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 the petitioner has committed grave offence and the investigation is under progress and charge sheet is not yet filed. He further submitted that the 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 the 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 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 there are no specific allegations against the petitioner either in the complaint or in the remand case diary. However, the petitioner is arrayed as accused No.41 basing upon the confession statement given by accused No.32, wherein accused No.32 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.41 subject to the following conditions.

1. The petitioner/accused No.41 shall surrender before the Station House Officer of P.S.Noothankal, Suryapet District, on or before 15.05.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.41 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 to his satisfaction.

2. After release, the petitioner/accused No.41 shall appear before the concerned S.H.O 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.41 shall not influence the witnesses or interfere with the investigation.

4. The petitioner/accused No.41 shall abide by the other conditions stipulated in Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 07.05.2025
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J.SREENIVAS RAO, J

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Dt: 07.05.2025

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