

**The Hon'ble Sri Justice J.Sreenivas Rao**

**Criminal Petition No.6414 of 2025**

**Order:**

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2 seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.58 of 2025 on the file of Kondurg Police Station, Cyberabad, registered for the offences punishable under Sections 118(1), 352 and 324(4) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS).

2. Heard Mr.S. Surender Reddy, learned counsel for the petitioners/accused Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

3. Learned counsel for the petitioners submits that the petitioners and the *de facto* complainant are own brothers and there were civil disputes between them in respect of the suit schedule property; that the petitioners have not committed the alleged offences and they were

falsely implicated in the present crime. He submits that the *de facto* complainant and his son beat the petitioners, due to which the petitioners sustained injuries. Basing on the same, petitioner No.2 lodged a complaint against the *de facto* complainant on 12.03.2025 vide Crime No.57 of 2025 for the offences under Section 118(1) r/w 3(5) of BNS. As a counter blast, *de facto* complainant had lodged the present complaint against the petitioners in Crime No.58 of 2025 for the offences under Sections 118(1), 352, 324(4), r/w 3(5) of BNS.

4. He submits that the petitioners approached this Court and filed Criminal Petition No.6422 of 2025 seeking to quash the said crime. This Court vide order dated 02.05.2025 disposed of the Criminal Petition by directing the Investigation Officer to follow the procedure contemplated under Section 41-A of Criminal Procedure Code, 1973/Section 35(3) of BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of**

**Bihar**<sup>1</sup>. In Criminal Petition No.6422 of 2025, the Investigating Officer, seeks to alter the offences stating that Section 118(2) of BNS does not get attracted as against the petitioners.

5. He states that the petitioners are eking out their livelihood by doing agriculture and they are not having any criminal antecedents. He further states that the petitioners are ready to co-operate with the investigation and shall abide by the conditions imposed by this Court.

6. Per contra, learned Additional Public Prosecutor submits that the petitioners have committed grave offences and that the investigation is pending and if the petitioners are granted anticipatory bail at this stage, there is every chance of the petitioners influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this Criminal Petition.

7. Having heard the rival submissions of both the learned counsel and on perusal of the record, it reveals that the petitioners and *de facto* complainant are none

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<sup>1</sup> (2014) 8 SCC 273

other than the own brothers and the petitioners filed complaint against him in Crime No.57 of 2025. Basing on the said complaint, *de facto* complainant filed complaint against the petitioners in Crime No.58 of 2025 which was registered for the very same offences. According to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2 subject to the following conditions:

- (i) Petitioners/accused Nos.1 and 2 are directed to surrender before the Station House Officer, Kondurg Police Station, Cyberabad on or before 13.05.2025;
- (ii) On such surrender, the Station House Officer of Kondurg Police Station, Cyberabad, shall release the petitioners/accused Nos.1 and 2 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a

like sum each to the satisfaction of the said Officer;

(iii) On such release, petitioners/accused Nos.1 and 2 shall appear before the Station House Officer, Kondurg Police Station, Cyberabad 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 by the police for investigation.

(iv) Petitioners/accused Nos.1 and 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.

(v) If the petitioners/accused Nos.1 and 2 indulge in commission of same offences, the respondent-State is entitled to file an application seeking cancellation of the anticipatory bail.

8. Subject to the above directions, the Criminal Petition is allowed.

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

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**J.SREENIVAS RAO, J**

Date: 07.05.2025  
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