

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION No.6492 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 petitioners/accused Nos.1 to 4 in Crime.No.51 of 2025 on the file of the P.S.Seerole, Mahabubabad, registered for the offences punishable under Sections 126(2), 292, 115(2), 118(1), 108 and 109 r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 28.04.2025 at around 08:00 hrs, the complainant lodged a written complaint stating that he resides in Hanamkonda for work, while his parents live in Bheelya Thanda and are engaged in agriculture. On 27.04.2025 at about 16:00 hrs, accused Nos.1 to 4 obstructed a commonly used pathway with stones, logs, and fencing, restricting access to about 15 families including the complainant's family. When the deceased tried to remove the obstructions, the accused attacked and beat him. On 28.04.2025 at 08:00 hrs, accused No.5

attempted to damage the complainant's bathroom claiming it as it is a pathway. When the deceased tried to stop him, accused No.6 beat him with a stone, due to which he received fracture injury to his ribs. Accused Nos.7 to 10 assaulted him in abusive language, and instigated him to commit suicide. Due to distress and humiliation, the deceased consumed herbicide. He was taken to GGH Mahabubabad, then to Dharani Hospital, and later to Yashoda Hospital, Secunderabad, where doctors found multiple fractures, kidney failure, and no hope of survival of the deceased. On 29.04.2025 at 21:00 hrs, while being brought back to Mahabubabad, he died at Ghatkesar. Basing on the same, a case was registered in crime No.51 of 2025.

3. Heard Mr.Anvela Rao, learned counsel representing Mr.K.Ajay Kumar, learned counsel for the petitioners and Mr.E. Ganesh, learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submitted that petitioners have not committed the alleged offence and they were falsely implicated in the above crime. He further submitted that according

to the allegations made in the complaint, the ingredients of Sections 108, 109 and 118 are not made out against the petitioners; that the punishment prescribed for the other offences are below seven years. He further submitted that the petitioners never instigated the deceased to commit suicide. He further submitted that the material part of the investigation is completed and the petitioners are 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 anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence and investigation is under progress and if the petitioners are granted anticipatory bail at this stage, they may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Taking into consideration the facts and circumstances of the case and the dispute is relating to pathway, which is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 4 subject to the following conditions.

1. The petitioners/accused Nos.1 to 4 shall surrender before the Station House Officer of P.S.Seerole, Mahabubabad, within ten (10) days from the date of receipt of a copy of this order, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 4 on bail on their executing a personal bond for Rs.50,000/- (Rupees fifty Thousand only) each with two sureties, for the like sum each to the satisfaction of the said officer.
 2. After release, the petitioners/accused Nos.1 to 4 shall appear before the concerned SHO at 11.00 A.M. on every Saturday, 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. The petitioners/accused Nos.1 to 4 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.
7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE NARSING RAO NANDIKONDA

Date: 14.05.2025
Sa/vsl

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