

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

CRIMINAL PETITION No.6595 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.3 and 4 in Crime. No.24 of 2025 on the file of the P.S. Chinnagudur, Mahbubabad District, registered for the offences punishable under Sections 189(3), 61(2), 224, 329(4), 331(5), 308 (5) r/w section 190 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 3 of PDPPA 1984.

2. The case of prosecution in brief is that in the year 2022 the Government had a proposal of construction of 100 Double Bedroom Houses at Chinnagudur (v) and Mandal. In this connection the villagers approached the accused persons for allotment. The accused persons with an evil intention announced that they would be the sanctioning authority for allotment list of houses and demanded the villagers to pay certain amount to meet the expenses and collected an amount of Rs.1,50,000/- to

Rs.5,00,000/- from each of the victim and almost 100 victims gave money to the accused persons during the year 2023 either by hand or phone pay mode. It is stated that later the Government handed over the said houses to Tahsildar, Chinnaguduru. But the accused persons misused the said amounts for their own purpose. In 2024 one of the victims i.e. Kodidela Sathemma had lodged a complaint at Chinnagudur PS basing on which criminal case was registered. When the other victims insisted the A.1 and A.2 for repayment of the said amounts taken from them, then A.1 and A.2 approached A.3 to A.5 and all of them hatched a plan and collected another sum of Rs.3,00,000/- from some of the victims and the same was misused by the accused persons for their own use. On 23.04.2025, A.1 to A.3 along with victims tried to occupy the double bedroom houses, on 24.04.2025 A.1 and A.2 and victims went to the site of 2 BHK houses by carrying petrol bottles, broke open the houses and occupied the same illegally. The Tahsildar/LW.1 lodged a complaint against the accused persons and basing on his complaint a case in Cr.No.24/2025 has been registered.

3. Heard Ms. C. Jyotsna Devi, learned counsel representing Sri Srikanth Ch., learned counsel for the petitioners/accused Nos.3 and 4 and learned Additional 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 189 (3), 61 (2), 224, 329 (4), r/w 190 of BNS 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 offences 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 as accused No.1 was released on bail vide order in CrI.M.P. No. 269 of 2025 in Cr.No.24/2025 of PS Chinnagudur, dated 06.05.2025 on the file of Junior Civil Judge-cum-Judicial Magistrate of First Class at Thorur and Accused No.5 vide order, dated 14.05.2025, in W.P. No. 15103 of 2025, was directed the appear before the Investigation Officer and on such appearance, the Investigation Officer was directed to scrupulously follow the guidelines and procedure contemplated under Section 41A of the Code of Criminal Procedure, 1973. To maintain parity, this Court is inclined to grant anticipatory bail to these petitioners/accused Nos.3 and 4 also subject to the following conditions.

1. The petitioners/accused Nos.3 and 4 shall surrender before the Station House Officer of P.S. Chinnagudur, Mahbubabad, 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.3 and 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.3 and 4 shall appear before the said 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.3 and 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: 21.05.2025

Skj/Aqs

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