

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6729 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused, seeking bail in Crime No.618 of 2024 of Malkajgiri Police Station, Rachakonda, registered for the offences punishable under Section 109 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that, on 08.08.2024 at 10:30 hours, the complainant lodged a complaint stating that his parents were having personal issues since his childhood. For the past three years, his father suspecting his mother and making false allegations of disloyalty against everyone she interacts with. He also began harassing his mother's sister and her daughter whenever they spent time with her. At one point, he started threatening to kill them. On one occasion, he shouted on the road that he would kill his mother, her sister, and her daughter. Since then, they were living in fear and distress for one and a half month. On 08.08.2024, while his mother was washing her hands after cleaning of ground floor of house, his father attempted to murder her behind on neck with a sharp object i.e., Sickel which is used for

cutting coconuts, when she tried to escape, he attacked on her head, hands and back. Due to which she sustained blood injuries at head, right hand elbow and left hand. Hearing his mother's screams, the complainant and neighbors from the colony came and stopped the attack. Then they took her to Malkajgiri Government Hospital, while his father ran away from the scene. The neighbors removed the weapon and threw it outside. The complainant further stated that his mother's sister and her daughter have threat from him. Based on the said complaint, the present crime was registered.

3. Heard Mr.E.Venkata Siddhartha, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he was falsely implicated in this crime. He further submitted that there are family disputes between the petitioner and the victim, and the de-facto complainant, who is none other than their son, lodged a complaint on 08.08.2024, though the petitioner has not committed the offence. Even according to the allegations made in the complaint and the remand case diary, the ingredients of Section 109 of BNS are not attracted against the petitioner. He further

submitted that the petitioner was arrested on 09.08.2024 and since more than 315 days he is in judicial custody and the investigation officer after conducting investigation filed charge sheet on 06.02.2025 and the same was numbered as P.R.C.No.17 of 2025 on the file of the learned Principal Junior Civil Judge-cum-Metropolitan Magistrate, Medchal-Malkajgiri District at Kushaiguda. He further submitted that the petitioner is eking out his livelihood by working as security guard and he is not having any other criminal antecedents. He further submitted that the victim sustained only minor injuries. He further submitted that the petitioner is ready to cooperate for disposal of P.R.C.No.17 of 2025 and he will appear before the concerned Court as and when required and also ready to abide by the conditions which are going to be imposed by this Court. Hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and there are specific allegations against him to attract the ingredients of Section 109 of BNS and the victim sustained 4 simple injuries and one grievous injury and if the petitioner is released on bail, he may tamper with the evidence and may threaten the witnesses, and 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 and the victim are the husband and wife and the de-facto complainant is their son. The record further discloses that the petitioner was arrested on 09.08.2024 and since more than 315 days, he is in judicial custody. The record also discloses that the investigation officer after conducting investigation filed charge sheet on 06.02.2025 and the same was numbered as P.R.C.No.17 of 2025 on the file of the learned Principal Junior Civil Judge-cum-Metropolitan Magistrate, Medchal-Malkajgiri District at Kushaiguda. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused, subject to the following conditions:

(i)The petitioner/accused shall execute a personal bond for a sum of Rs.25,000/-(Rupees twenty five Thousand only) with two sureties for a like sum each to the satisfaction of the Principal Junior Civil Judge-cum-Metropolitan Magistrate, Medchal-Malkajgiri District at Kushaiguda.

(ii) After release, petitioner/accused shall appear in P.R.C.No.17 of 2025, on each and every adjournment.

(iii) After release, petitioner/accused shall not influence the witnesses or interfere with the investigation.

(iv) After release, if the petitioner/accused indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

(v) The petitioner/accused shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 19.06.2025
vsl