

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6811 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 petitioner/accused No.5 in Crime No.79 of 2025 on the file of the P.S. Abids, Hyderabad District registered for the offences punishable under Sections 109, 352, 115(2) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS) wherein the petitioner is arrayed as accused No.5.

2. The case of the prosecution is that on 03.04.2025 at 09:30 hrs defacto complainant lodged a complaint stating that on 02.04.2025 at around 11:00 pm he along with his friends went to play cricket at Attapur, Hyderabad. After playing cricket on 03.04.2025 at around 02:00 A.M he came to Sultan Estate, beside Kashish shop line, Abids to meet his friend. At about 06:30 am when he was at Sultan Estate sat there, some known persons were fighting in front of him. So when he went to stop them, they quarrelled with him unnecessarily and also used filthy language. In that one person by name Sameer Khan, R/o. Yakuthpura, Hyderabad has suddenly taken the knife and

stabbed him on his back right side of the waist and some of his friends have beaten him with hands. Due to which he received bleeding injuries on back right side of the wrist and on head. When some of the persons of Sultan Estate came to stop them they fled away from the spot. Immediately, they have called police and police personnel came to spot and taken him to Osmania General Hospital where LW-9 treated LW-1 vide MLC No.11285. Hence, he requested to take necessary action against the above said persons as per law. Basing on the above said complaint, Crime No.79 of 2025 was registered.

3. Heard Sri Md.Fasiuddin, learned counsel for petitioner virtually and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. According to the allegations leveled against the petitioner in the complaint, ingredients under Section 109, 352, 115(2) read with Section 3(5) of BNS are not attracted against the petitioner. He further submits that the very same allegations are leveled against accused No.1 and the accused No.1 approached this Court and filed CrI.P.No.5249 of 2025

seeking quash of Crime No.79 of 2025 of P.S. Abids, Hyderabad against accused No.1. The de-facto complainant himself stated that he sustained minor injuries and he wanted to settle the dispute with accused No.1 and both the parties have filed joint memo before this Court. Basing on the same, this Court quashed the present crime against accused No.1 by its order 01.05.2025. Hence, the petitioner is entitled for grant of anticipatory bail and the petitioner is not having any criminal antecedents and is ready and willing 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 submits that petitioner the order passed by this Court in CrI.P.No.5249 of 2025 dated 01.05.2025 is applicable for accused No.1 only and the petitioner is not a party to the said criminal petition and basing on the said order, the petitioner is not entitled to seek anticipatory bail and the investigation is under progress 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 according to the learned Additional Public Prosecutor and sworn affidavit filed by the de-facto complainant in CrI.P.No.5249 of 2025, the de-facto complainant sustained minor injuries and defacto complainant and accused No.1 filed joint memo and basing on the same, this Court allowed the criminal petition and quashed the crime against accused No.1. The record further reveals that very same allegations are leveled against the present petitioner who is accused No.5. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5 subject to the following conditions:

1. The petitioner/accused No.5 shall surrender before the Station House Officer of P.S. Abids, Hyderabad District, on or before 19.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.5 on bail on his executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for the like sum each.
2. The petitioner/accused No.5 shall appear before the concerned SHO 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. The petitioner/accused No.5 shall not interfere with the investigation or influence the witness during the investigation.
 4. The petitioner/accused No.5 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 12.06.2025
PSW