

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.7045 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1 and 3, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.163 of 2025 of Alwal Police Station, Medchal-Malkajgiri District, registered for the offences punishable under Sections 329 (2), 324 (4), 109 and 132 r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr.Ravi Chandra Bejjaram, learned counsel for the petitioners/accused Nos.1 and 3 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 17.02.2025 Smt.D.Sulochana, Advocate Commissioner, Kukatpally Court, lodged a complaint stating that she has been appointed as Advocate Commissioner to take physical possession of the schedule property in CrI.M.P.No.536 of 2024, as per the instructions of the Court,

with order of warrant went to the property located area Hastmathpet village and reached the schedule property and came out of the place with bank and police staff and she came to know that the accused people have trespassed into the schedule property, by breaking two locks and others. Basing on the same, Crime No.163 of 2025 was registered.

4. Learned counsel for the petitioners/accused Nos.1 and 3 submits that the petitioners have not committed any offence and they were falsely implicated in the aforesaid crime. There are no specific allegations against the petitioners to attract Section 109 of the Bharatiya Nyaya Sanhita, 2023 (BNS). Furthermore, all other offences alleged against the petitioners are punishable with imprisonment of less than seven years. The Police with an intention to harass the petitioners, included the offence under Section 109 of BNS. He further submits the Mother of petitioner No.1 and Grand-mother of petitioner No.2 have filed comprehensive suit, vide O.S.No.78 of 2024 on the file of District Court, Medchal-Malkajgiri, claiming rights over the property is pending, wherein the Axis Bank Limited was also made as party defendant No.7 in

the suit. He further submits that the very same allegations are leveled against accused No.2. Accused No. 2 approached this Court and was granted regular bail on 22.04.2025. Petitioner No.1/accused No.1 is 52 years old and is suffering with old aged ailments. Petitioner No.2/accused No.3 is a student and the petitioners are not having any criminal antecedents and they are ready and willing to cooperate with the investigation officer and also 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 the petitioners have committed grave offence and they are not entitled for grant of anticipatory bail merely on the ground of granting regular bail in favour of accused No.2. 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 Mother of petitioner No.1 and Grand Mother of petitioner No.2 have filed the comprehensive suit vide O.S.No.78 of 2024 on the file of District Court, Medchal-

Malkajgiri, claiming the rights over the property, which are also claimed by the Axis Bank Limited. The record further reveals that, this Court granted bail in favour of the accused No.2 in CrI.P.No.5161 of 2025 on 22.04.2025, and the Investigating Officer filed charge sheet on 25.03.2025. Even according to the learned Additional Public Prosecutor, petitioners are not having any criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 3 subject to the following conditions.

1. The petitioners/accused Nos.1 and 3 shall surrender before the Station House Officer of Alwal Police Station, on or before 24.06.2025, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 and 3 on bail on each of them executing a personal bond for Rs.30,000/- (Rupees thirty thousand only) with two sureties, for a like sum each.
2. After release, the petitioners/accused Nos.1 and 3 shall appear before the X Judicial Magistrate of First Class, Medchal on each and every adjournment.
3. The petitioners/accused Nos.1 and 3 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-

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operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

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

J.SREENIVAS RAO, J

Date: 19.06.2025

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