

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6907 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1, 3 and 4, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.253 of 2024 of Dharmasagar Police Station, Warangal District, registered for the offences punishable under Sections 118(1), 352 and 108 read with 46 read with 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Mir Mukarram Ali, learned counsel for the petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/ State.

3. The case of the prosecution is that the de-facto complainant lodged a hand-written complaint, dated 13.11.2024 to the Station House Officer, Dharmasagar PS. Hanumakonda, that her son SK. Yakub got married to Hasmabee i.e., Accused No. 1 in the year 2022. It is the case of de-facto complainant that there have been several matrimonial disputes between the husband and wife,

due to this reason victim i.e., son of de-facto complainant was staying at Kushegudem for past one year pursuant to two or three panchayats conducted in the presence of elders of both the families. That on 22-10-2024 the victim came home in the evening from work and asked accused no.1 to bring hot water to take bath, on that the accused no.1 quarreled with the victim and took a stick from wooden stove and started beating him, due to which the victim sustained burning injury. On the same night the victim went to the house of the grandfather of accused No.1, the accused No.1 along with her parents went there and started physically and verbally abusing the victim, unable to bear the insult, the victim consumed the poison. Hence, the complaint.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence and they were falsely implicated in the aforesaid crime. Even according to the allegations made in the complaint, the ingredients under Section 108 of BNS does not attract. He further submitted that the petitioners never instigated the de facto complainant/victim to commit suicide. He

further submitted that the victim himself consumed the poison, however, he survived and he received small injuries. The main allegations leveled against accused No.2, who was arrested and enlarged on bail. He further submitted that the petitioners are doing agricultural work and they are not having any criminal antecedents and they are ready and willing to cooperate with the investigating officer and also abide by the conditions that may be imposed by the Court.

5. *Per Contra*, learned Additional Public Prosecutor submits that the petitioners have committed grave offence and the investigation is under progress and if the petitioners are granted anticipatory bail at this stage, there is every chance of they are influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, it reveals that

the very same allegations are leveled against accused No.2 and he was enlarged on bail on 06.01.2025 in CrI.M.P.No.501 of 2024 by the learned II Additional Sessions Judge, Hanumakonda. The petitioner Nos.1 and 2 are women and petitioner No.3 is minor son. Even according to the learned Additional Public Prosecutor the victim received small injuries and the petitioners are not having any criminal antecedents.

7. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos. 1, 3 and 4 subject to the following conditions:

- (i) Petitioners/accused Nos. 1, 3 and 4 are directed to surrender before the Station House Officer, Dharmasagar Police Station, on or before 24.06.2025;
- (ii) On such surrender, the Station House Officer of Dharmasagar Police Station, shall release the petitioners on bail on executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) each with two sureties for a like sum each to the satisfaction of the said Officer;

(iii) On such release, petitioners/ accused Nos. 1, 3 and 4 shall appear before the Station House Officer, Dharmasagar Police Station, on every Sunday at 11:00 a.m., for a period of four weeks for the purpose of investigation and thereafter, as and when required for investigation.

(iv) petitioners/accused Nos. 1, 3 and 4 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

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

Date: 18.06.2025
pss

J.SREENIVAS RAO, J

::6::

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.6907 of 2025

Date: 18.06.2025

pss