

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.7018 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioners, who is arrayed as accused Nos.1 to 5, seeking bail in Crime No.121 of 2025 of Kaghaznagar Town Police Station, registered for the offences punishable under Sections 189(2), 191(2), 126(2), 221, 132, 353(b), 195(2) read with 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution is that de facto complainant had received the orders from the Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Asifabad, dated 06.05.2025, wherein he was directed to release the seized property namely three bulls from Sri Thrinethra Radha Gopala Krishna Goshala, located at Kosini, Khagaznagar and accordingly, the de facto complainant has issued formal communication to the authorities of the Goshala and in spite of repeated requests and reminders the Goshala authorities failed to act upon the said order. Therefore, the de facto complainant had personally visited the Goshala on 10.05.2025 to execute the order of the Court and during that process, the petitioners along with others have willfully obstructed his

official duties by preventing access towards road. Hence, he lodged the complaint and basing on the said complaint, the present crime has been registered.

3. Heard Mr.Ramachandra Rao, learned Senior Counsel representing Ms.G.V.S.S.Sruthi, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned Senior Counsel appearing for the petitioners submitted that the petitioners have not committed any offence and they were falsely implicated in the present crime. The only allegations leveled against the petitioners are that they have threatened to damage the police station and obstruct the duties of the police officials, though the petitioners have not threatened to damage the police station or interfere with the duties of the police. He further submitted that the punishment prescribed for all the offences leveled against the petitioners are up to 7 years, except the offence under Sections 132 and 353(b) of BNS. Though the ingredients under Sections 132 and 353(b) of BNS are not attracted, the police with an intention to harass the petitioners have added the above said offences. He further submitted that the petitioners were arrested on 31.05.2025 and

since then they were in judicial custody. He further submitted that the petitioners are ready to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of bail.

5. *Per Contra*, the learned Additional Public Prosecutor submitted that the petitioners have committed grave offences. There are specific allegations leveled against the petitioners to attract the ingredients under Sections 132 and 353(b) of BNS and the investigation is under progress. Therefore, the petitioners are not entitled for grant of bail.

6. Learned Senior Counsel, in reply, has submitted that since all the witnesses belonged to the police department only, the question of influencing the witnesses does not arise.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 31.05.2025 and since then they were in judicial custody. Even according to the learned Additional Public Prosecutor seven (7) witnesses were examined and major part of the investigation is completed. Hence, question of interfering with the investigation, influencing the witnesses as submitted by the learned

Additional Public Prosecutor does not arise. The punishment prescribed for the offences leveled against the petitioners are below 7 years, except Sections 132 and 353(b) of BNS. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners/accused Nos.1 to 5 subject to the following conditions:

- (i) The petitioners/accused Nos.1 to 5 is enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate First Class, Sirpur Town.
- (ii) The petitioners/accused Nos.1 to 5 shall appear before the concerned S.H.O. at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of the charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (iii) After release, if the petitioners/accused Nos.1 to 5 is 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.

(iv) The petitioners/accused Nos.1 to 5 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.

J.SREENIVAS RAO, J

Date: 17.06.2025

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