

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

Criminal Petition No.7040 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.43 of 2025 of Dasturabad Police Station, Nirmal District, registered for the offences punishable under Sections 118 (1) and 351 (2) r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr.K.Krishna Kalyan, learned counsel representing Mr.K.Venumadhav, learned counsel for the petitioners/accused Nos.1 and 2, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 20.04.2025, at about 09:30 hours, the petitioners/accused Nos.1 and 2 bet the *de facto* complainant and his sons by a iron rod and sticks, as a result the complainant and his sons received injuries, the offence occurred due to agriculture land disputes. Basing on this, the present FIR was registered.

4. Learned counsel for the petitioners/accused Nos.1 and 2 submitted that the petitioners and the *de facto* complainant are family members and there are property disputes pending in respect of agricultural land to an extent of 0.25 gts in Sy No.334/a. The *de facto* complainant filed O.S.No.11 of 2025 on the file of learned Junior Civil Judge at Khanapur for grant of perpetual injunction and the said suit is pending. Dissolving the civil dispute the *de facto* complainant lodged a complaint. The allegations made in the complaint are purely civil in nature. The petitioners are eking their livelihood by doing agriculture and they are not having 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 initially crime was registered for the offences under Sections 118 (1) and 351 (2) r/w. 3 (5) of BNS, subsequent the said offence was altered into Section 118 (2) of BNS. Taking into consideration the medical evidence, the victims sustained grievous injuries in the hands of the petitioners. He

further submits that in respect of the petitioner No.1/accused No.1, he is accused in another crime vide Crime No.48 of 2019 and investigation is under progress and if the petitioners are enlarged on anticipatory bail, there is every chance to interfere with the investigation and also influence the witness. 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 there is no dispute in respect of pendency of civil suit *vide* O.S.No.11 of 2025 on the file of learned Junior Civil Judge at Khanapur, between the petitioners and the *de facto* complainant. The records produced by the learned Additional Public Prosecutor clearly reveals that the victims sustained the grievous injuries and the petitioner No.1/accused No.1 is accused in another Crime No.48 of 2019. This Court is not inclined to grant anticipatory to petitioner No.1/accused No.1.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail in favour of petitioner No.2/accused No.2 subject to the following conditions.

1. The petitioner No.2/accused No.2 shall surrender before the Station House Officer of Dasturabad Police Station, on or before 24.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties, for a like sum each.
 2. After release, the petitioner No.2/accused No.2 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of six (6) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 3. After release, the petitioner No.2/accused No.2 shall not influence the witnesses or interfere with the investigation.
 4. The petitioner No.2/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
 5. After release, if the petitioner No.2/accused No.2 indulge in similar offence, the respondent/State is at liberty to file an application seeking cancellation of bail.
8. Accordingly, the Criminal Petition is partly allowed.

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

J.SREENIVAS RAO, J

Date: 19.06.2025
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