

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7314 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.149 of 2025 on the file of the Station House Officer, Yellareddypet Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 118(1), 232(1) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. Uttej Goud, learned counsel representing Mr. Ponnam Mahesh Babu, learned counsel for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 09.05.2025 at about 13:00 hours, the complainant lodged a complainant

stating that on 08.05.2025 at about 21:25 hours, while the complainant was standing near a toddy depot in Kistampalli Village, the petitioner/accused, bearing grudge over the complainant regarding a compound wall dispute, with respect to which Crime Nos.80 of 2022 and 103 of 2022 were filed in Yellareddyguda Police Station, came there, abused the complainant in filthy language, beat him with beer bottle on his head and insisted him to withdraw the criminal cases, failing which the petitioner would kill him. On receipt of information from the witnesses of the incident, the complainant's elder brother came there and shifted the complainant to hospital for treatment. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused for the aforesaid offences.

4. Learned counsel for the petitioner/accused submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submits that the allegations made in the complaint are purely civil in

nature and in order to dissolve those disputes, the complainant has filed this present complaint with an oblique motive. Learned counsel further submits that the offences levelled against the petitioner are punishable with imprisonment upto seven years only but the police, without following the mandatory procedure contemplated under Section 35(3) of BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, arrested the petitioner on 12.05.2025 and since then he is in judicial custody. Learned counsel prays that the petitioner be granted bail as he is ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner/accused committed grave offence and the investigation is not yet completed and if the petitioner is granted bail at this stage, there is every chance of his

¹(2014) 8 SCC 273

influencing the witnesses and interfering with the investigation. Learned counsel further submits that the petitioner is also accused in two other cases and as such, he is not entitled for grant of bail.

6. Having heard learned counsel for the parties and on perusal of the record, it reveals that the offences levelled against the petitioner are punishable with imprisonment upto seven years only and the petitioner was arrested on 12.05.2025 and since then he is in judicial custody. Even according to the learned Additional Public Prosecutor, five witnesses were examined and the victim sustained minor injury.

7. In view of the same, this Court is inclined to grant bail to the petitioner/accused subject to the following conditions:

- (i) The petitioner/accused shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of Judicial First Class Magistrate, Sircilla.

(ii) On such release, the petitioner/accused shall appear before the concerned Station House Officer at 11.00 A.M., on every Monday, for a period of four (4) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, the petitioner/accused shall not shall not influence the witnesses or interfere with the investigation.

(iv) The petitioner/accused shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 24.06.2025
LUR

J.SREENIVAS RAO, J