

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.7315 of 2025

ORDER:

This Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners, who are arrayed as accused Nos.1 and 2, seeking anticipatory bail in connection with Crime No.94 of 2025 on the file of the Thirumalagiri Sagar Police Station, registered for the offences punishable under Sections 118(1) r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Heard Ms.Keerthi Chandana, learned counsel, representing Mr.Rapolu Bhaskar, learned counsel for petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 24.05.2025 at about 12-30 hours, the *de-facto* complainant lodged a complaint with the police alleging that on 24.05.2025 at about 9-00 a.m., they were doing partition of their agriculture land in the presence of the village elders at the outskirts of Yellapuram Village, in the

meantime Angothu Mangu S/o Somla and Angothu Hathiram S/o Somla have stated with him that he had extra land and his land should be surveyed, for which he stated that in the year 2012, he purchased 0-26 guntas land from Angothu Somla s/o Bhikya and except the said land, remaining land may be measured. On that both the above said persons beat his brother's son Angothu Anil, Angothu Prasad, his wife Angothu Kumili and his mother Angothu Dwali with sticks indiscriminately. As a result, Angothu Anil has received severe blood injury to his head and remaining persons received contusions. Basing on the above complaint, the present crime was registered for the aforesaid offences.

4. Learned counsel for the petitioners fairly submitted that subsequent to filing of this anticipatory bail application, accused No.1 was arrested by the police on 17.06.2025. In view of the same, she has not pressing the present criminal petition against petitioner No.1/accused No.1 with a liberty to avail the remedies as available under law.

5. In view of the above said submission, the criminal

petition against petitioner No.1/accused No.1 is dismissed as withdrawn with a liberty as sought by the learned counsel for the petitioners.

6. Insofar as petitioner No.2/accused No.2 is concerned, learned counsel for the petitioners submitted that petitioner No.2 has not committed any offence and he was falsely implicated in the present crime. The *de facto* complainant and petitioner No.2 is none other than cousin brothers and there is a property dispute in respect of the agriculture land of Ac.0-26 guntas pending between the father of petitioner No.2 and *de facto* complainant since 2012. To resolve the said dispute only, the *de facto* complainant lodged the present complaint. Even according to the allegations made in the complaint, the ingredients of Section 118(2) of BNS are not attracted against the petitioner No.2. He further submitted that initially the police have registered the present crime for the offence under Section 118(1) r/w 3(5) of BNS and subsequently at the instance of the *de facto* complainant, altered the offence into Section 118(2) of BNS with an intention to harass the petitioners and also to avoid the procedure contemplated under Section 35(3) of BNSS.

The petitioner No.2 is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioner No.2.

7. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner No.2 has committed a grave offence and the victim has sustained grievous injuries in the hands of petitioner No.2 and other accused and the investigation is under progress and at this stage, petitioner No.2 is not entitled for grant of anticipatory bail.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there is a property dispute pending between the petitioners and *de facto* complainant in respect of 0-26 guntas since 2012. The *de facto* complainant's father and the father of the petitioner's are none other than own brothers. Even according to the learned Additional Public Prosecutor, accused No.1 was already arrested on 17.06.2025 and the petitioner No.2/accused No.2 is not having criminal

antecedents.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner No.2/accused No.2, subject to the following conditions:

- i) The petitioner No.2/accused No.2 is directed to surrender before the S.H.O., Thirumalagiri Sagar Police Station, on or before 05.07.2025 and on such surrender, the said Station House Officer is directed to release the petitioner No.2 on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only), with two sureties for a like sum each to his satisfaction.
- ii) After release, petitioner No.2/accused No.2 shall appear before the concerned S.H.O. at 11-00 a.m. on every Sunday for a period of six 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 No.2/accused No.2 indulges in similar offence, the respondent-State is granted liberty to file an application seeking cancellation of the bail granted by this Court in his favour.
- iv) After release, the petitioner No.2/accused No.2 shall abide by the conditions stipulated under Section 482 (2) of BNSS.

10. Accordingly, the Criminal Petition is allowed in part.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 27.06.2025
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