

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.7478 and 7479 of 2025

COMMON ORDER:

Since these criminal petitions are arising out of Crime No.48 of 2025, these criminal petitions are heard together and disposed of by this common order.

2. These Criminal Petitions are filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.2 and 3 in Crime No.48 of 2025 on the file of Nawabpet Police Station, Vikarabad, registered for the offences punishable under Sections 118(2) and 127(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

3. The case of the prosecution is that on 03.04.2025 at 1100 hours, the de-facto complainant lodged a complaint in which he stated that he has a son and a daughter, both married. His son frequently quarreled with him, demanding that he register 21 guntas of land, currently in the complainant's name, to him and repay the bank loan of Rs.30,000/- on the land. On 02.03.2025 at about 10 PM, his son, along with son-in-law

and daughter-in-law, assaulted him while he was sleeping. They beat him with a hoe and sticks, and daughter-in-law threw chili powder and water on him. As he tried to wipe it off, they continued beating him, causing severe bleeding injuries, and then locked him inside the house. The next morning, his mother opened the door and found him in this state. Basing on the same, present crime was registered.

4. Heard Mr.C.Haripreeth, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioners submitted that petitioners have not committed alleged offences and they were falsely implicated in the said crime. He further submitted that the allegations made in the complaint are purely civil in nature, relating to the land admeasuring Ac.0.21 gts. The dispute arose when accused No.1 requested the de-facto complainant to register the said land in his name, and upon refusal, a quarrel developed between accused No.1 and the de-facto complainant. There are no specific allegations against the petitioners to attract the ingredients of Section 118(2) of the BNS. He further submitted that initially the crime was registered for the offence under

Sections 118(1), 127(2) r/w 3(5) of BNS and the punishment prescribed for the said offences is upto seven years and later the police altered the section of law into Section 118(2) of BNS, to follow the procedure as contemplated under Section 35(3) of BNSS. He further submitted that the petitioners are not having any criminal antecedents and they are ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of anticipatory bail.

6. On the other hand, learned Additional Public Prosecutor submitted that the petitioner, along with accused No.1, has committed a grave offence, and the victim sustained grievous injuries at their hands and there are specific allegations against them to attract the ingredients of Section 118(2) of BNS and the investigation is under progress. Therefore, if the petitioner is granted anticipatory bail, at this stage, there is every chance to influence the witnesses and to interfere with the investigation. Hence, prayed to dismiss the petition.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals

that the de-facto complainant is the husband of accused No.3, father-in-law of accused No.2 and father of accused No.1. The record further reveals that there are disputes between accused No.1 and de-facto complainant in respect of land to an extent of Ac.0.21 gts. The learned Additional Public Prosecutor placed a copy of medical certificate issued by the Vijaya Hospital, dated 03.04.2025, wherein it shows that the de-facto complainant sustained three grievous injuries.

8. Taking into consideration the above facts, since there are specific allegations against the petitioner/accused No.2, this Court is not inclined to grant anticipatory bail in his favour, especially when investigation is under progress. Hence, Criminal Petition No.7479 of 2025 is dismissed. Insofar as the petitioner/accused No.3 in Criminal Petition No.7478 of 2025 is concerned, as she is a woman and a housewife, and is none other than the wife of the de-facto complainant, this Court is inclined to grant anticipatory bail to petitioner/accused No.3, subject to the following conditions:

1. The petitioner/accused No.3 shall surrender before the Station House Officer of Nawabpet Police Station, Vikarabad, on or before 02.07.2025, and on such surrender, the said Station House Officer shall

release the petitioner/accused on bail on her executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties, for a like sum each.

2. After release, the petitioner/accused No.3 shall appear before the concerned SHO as and when her presence is required.
3. After release, the petitioner/accused No.3 shall not influence the witnesses or interfere with the investigation.
4. The petitioner/accused No.3 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.

9. Accordingly, the Criminal Petition No.7478 of 2025 is allowed and Criminal Petition No.7479 of 2025 is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 26.06.2025

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