

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.8350 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/accused Nos.2, 7 and 10 seeking anticipatory bail in connection with Crime No.116 of 2025 on the file of the Chengomul Police Station, Vikarabad District registered for the offences punishable under Sections 119(1), 118(1), 115(2), 352, 351(2) and 191(2) r/w 190 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Heard Mr.M.P.Kashyap, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 22.05.2025 at 15.40 hours the *de facto* complainant lodged a complaint with the police stating that the *de facto* complainant and her family owns Ac.11.14 gts of land in Survey No.152 and have been cultivating. She further alleges that neighbouring land owners namely Mallegatla Chandraiah and Mallesh have unlawfully encroached upon 0.25 gts. of their land. Upon confronting them, they were threatened with death. A land

survey was conducted on 22.05.2025 and boundaries were marked. However, after some time, her neighbouring land owners namely accused Nos.1, 2, 7, 8 and 9 forcibly trespassed, physically assaulted her, her husband Srisailam, and her uncle by pelting stones and threatened them with dire consequences. Based on her complaint, the present crime was registered for the aforesaid offences.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were falsely implicated in the present crime. The allegations made in the complaint are purely civil in nature and to resolve the said dispute, the petitioners were implicated in the present crime and they never obstructed for conducting survey by the revenue authorities. Even according to the allegations made in the complaint, the ingredients of Section 119(1) of BNS are not attracted against the petitioners. Except the said offence, all the other offences are punishable with an imprisonment up to seven years only. The petitioners are eking out their livelihood by doing agriculture. The petitioners are not having any criminal antecedents and they are ready and willing to cooperate with the investigation and they will abide by the conditions, which are going to be imposed by this

Court. Hence, prayed to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners and the investigation is under progress. Therefore, at this stage, if the petitioners are granted anticipatory bail, they will interfere with the investigation and influence the witnesses. Hence, the petitioners are not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there are property disputes between the petitioners and the *de facto* complainant. The only allegation made against the petitioners is that when the Surveyor trying to conduct survey in respect of Ac.0-25 guntas of land, they obstructed to conduct the survey. Even according to the learned Additional Public Prosecutor, the victims have not sustained any injuries and the petitioners are not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to

the petitioners/accused Nos.2, 7 and 10, subject to the following conditions:

- i) The petitioners/accused Nos.2, 7 and 10 are directed to surrender before the S.H.O., Chengomul Police Station, on or before 19.07.2025 and on such surrender, the said Station House Officer is directed to release the petitioners/accused Nos. 2, 7 and 10 are on bail on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousands only) with two sureties for a like sum each to his satisfaction.
- ii) On such release, the petitioners/accused Nos. 2, 7 and 10 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of four weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) The petitioners/accused Nos. 2, 7 and 10 shall not interfere with the investigation and not influence the witnesses.
- iv) The petitioners/accused Nos. 2, 7 and 10 shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 14.07.2025
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