

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.8976 of 2025

ORDER:

This Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.2, seeking anticipatory bail in connection with Crime No.30 of 2025 on the file of the Shalibanda Police Station, Hyderabad, registered for the offences punishable under Sections 118(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 14.03.2024, the *de-facto* complainant stated that she had been living in a joint family for 18 years with her brother-in-law, elder brother-in-law Parvez's family, and her uncle Mohd. Yousuf. On 14.03.2025 at around 10:30 AM, while she and her husband Ameen were sleeping, her brother-in-law called them to the ground floor and started an argument. During the heated exchange, Afroz and Parvez assaulted Ameen with their hands and a stick, causing serious injuries to his head and body. When her sister-in-law's son Mohi Sarwar intervened, he also assaulted Ameen.

Her aunt's son Fateh Mohammed @ Sohail tried to stop the fight but was also beaten by Afroz and Parvez, resulting in injuries to both his hands. Based on the said complaint, the present crime was registered for the aforesaid offences.

3. Heard Mr.Mohammed Rafiuddin, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offences and he was falsely implicated in this crime. He further submitted that the petitioner and the *de-facto* complainant are own brothers and there are disputes in respect of joint family residential properties. He further submitted that the petitioner sustained injuries in the hands of the *de-facto* complainant and petitioner has lodged complaint, basing on the same, Crime No.31 of 2025 was registered for the offences under Sections 118(1) r/w 3(5) of the BNS, on the file of the Shalibanda Police Station. Thereafter, as a counter blast, the *de-facto* complainant lodged the complaint on the file of the very same Police Station and on the very same day and basing on the same, present crime was registered.

He further submitted that initially the crime was registered for the offences under Sections 118(1) r/w 3(5) of BNS and later the police altered the section of law from Section 118(1) into Section 118(2) of BNS. He further submitted that the petitioner is not having any other criminal antecedents and the petitioner is ready and willing 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and in the hands of the petitioner, the *de-facto* complainant sustained grievous injuries and basing upon the medical report of the de-facto complainant, the police altered the section of law from Section 118(1) into Section 118(2) of BNS. He further submitted that the investigation is under progress and if the petitioner is released on anticipatory bail at this stage, he may tamper with the evidence, threaten the witnesses and 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 the petitioner and the *de-facto* complainant are own brothers and there are property disputes between them. The record further reveals that, based on the complaint lodged by the de-facto complainant, the present crime was registered. On the very same day, the petitioner also lodged a complaint against the de-facto complainant, which was registered as Crime No.31 of 2025 at the same police station. The record further reveals that in the present crime, accused No.3 had approached this Court and filed CrI.P.No.5753 of 2025 for grant of anticipatory bail and this Court allowed the said petition on 02.05.2025. Even according to the learned Additional Public Prosecutor, petitioner is not having any other criminal antecedents.

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

1. The petitioner/accused No.2 shall surrender before the Station House Officer of Shalibanda Police Station, Hyderabad on or before 08.08.2025, 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.30,000/- each (Rupees thirty thousand only) with two sureties, for a like sum each.

2. After release, the petitioner/accused No.2 shall appear before the concerned SHO at 11.00 A.M. on every Sunday, for a period of eight (8) 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/accused No.2 shall not influence the witnesses or interfere with the investigation.
4. The petitioner/accused No.2 shall not contact the *de-facto* complainant or her family members in any manner.
5. After release, if the petitioner/accused No.2 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.
6. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) of BNSS and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:04.08.2025

vsl