

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.9057 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioners/accused Nos.2 and 4 in Crime No.126 of 2025 on the file of Hussainialam P.S., Hyderabad District, registered for the offences punishable under Sections 109, 191 (2), 191 (3), 115 (2), 351 (2), 324 (4) 329 (3), 61 (2), 352 and 79 r/w. 190 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 24.06.2025, Smt. Qamar Fatima lodged a complaint stating that her family has lived in Fatima Colony, Hussaini Alam, Hyderabad for 30 years. A dispute arose over ownership of an open plot in front of their house, involving the Waqf Board, accused No.1, and others. On 24.06.2025, when Waqf Board officials came to survey the land, the accused, including the petitioner, allegedly arrived, used abusive language, attacked the complainant's husband and others with sticks and stones, trespassed into their house, injured several people, and damaged the two-wheelers. Basing on the same, the above crime was registered.

3. Heard Mr.M.Shiva Kumar, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that petitioners have not committed any offence and they were falsely implicated in the above said crime. He further submitted that there are property disputes between the petitioners and the de-facto complainant and to dissolve the said disputes, the de-facto complainant lodged a complaint against the petitioners, hence the ingredients of Section 109 of the BNS are not attracted against the petitioners and the punishment prescribed for the other offences is upto seven years. He further submitted that petitioner No.1/accused No.2 is a student and petitioner No.2/accused No.4 is a private employee. He further submitted that this Court granted anticipatory bail in favour of accused No.3, against whom the very same allegations are levelled. He further submitted that petitioners were arrested on 25.06.2025 and since then they were in judicial custody and entire investigation is completed, except filing of charge sheet. He further submits 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 bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioners have committed grave offence and the investigation is under progress and at this stage, if the petitioners are enlarged on bail, they may interfere with the investigation and influence the witnesses.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioners/accused Nos.2 and 4 were arrested on 25.06.2025, since then they were in judicial custody. The record further reveals that this Court granted anticipatory bail in favour of accused No.3 against whom the very same allegations are levelled. Even according to the learned Additional Public Prosecutor, 12 witnesses were examined and the victim sustained simple injuries and petitioners are not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to petitioners/accused Nos.2 and 4, subject to the following conditions:

(i) The petitioners/accused Nos.2 and 4 shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty five Thousand only) each with two sureties for a like sum each to the satisfaction of the IV Additional Sessions Judge, Hyderabad.

(ii) The petitioners/accused Nos.2 and 4 shall appear before the concerned SHO at 11:00 A.M. on every Monday for a period of six (6) 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 petitioners/accused Nos.2 and 4 shall not influence the witnesses or interfere with the investigation.

(iv) The petitioners/accused Nos.2 and 4 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 04.08.2025

Lk/rsp