

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.9161 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 petitioner/accused No.2 in Crime No.314 of 2025 on the file of Sircilla P.S., Rajanna Sircilla District, registered for the offences punishable under Sections 61(2), 109(1), 118(1) and 352 r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 15.06.2025, the de-facto complainant, lodged a written complaint stating that he is an agriculturist and has two daughters and one son, all of whom are married. He and his deceased brother, Narsaiah, jointly owned land measuring 13 guntas, which they had equally divided, each acquiring 6½ guntas. The complainant's portion lies adjacent to his late brother's house. Around four years ago, Narsaiah's sons sold 3 guntas from their father's share. Recently, when they attempted to clean the remaining land for construction, disputes arose between the families. The sons of Narsaiah, namely Nagaraju and Srinivas, allegedly threatened to eliminate the complainant's family. On 14.06.2025 at

about 10:30 hours, the families intended to resolve the dispute with the help of elders, but due to their unavailability, the panchayat was postponed to 15.06.2025. Later that afternoon, at around 14:00 hours, Vemula Pedda Bhumaiah (father-in-law of Nagaraju), his sons Vemula Nagaraju and Vemula Prashanth, and Gundu Mallesham, all residents of Marupaka village, came to Nagaraju's house and allegedly conspired to attack the complainant's family. At about 15:30 hours, when they brought a JCB to level the complainant's land for constructing a house for Nagaraju, the complainant's family objected, and the JCB left. Subsequently, Kolakani Srinivas, Kolakani Nagaraju, Kolakani Mangavva, Kolakani Mamatha, and Kolakani Yellavva allegedly abused the complainant's family in vulgar language and attacked them with stones. As part of the alleged premeditated assault, Srinivas stabbed the complainant's son, Parsharamulu, in the chest and stomach with a knife, while Nagaraju struck him with a stone on the mouth, causing serious bleeding injuries. Nagaraju also hit the complainant's wife with a stone, resulting in head and shoulder injuries. Madupu Prem Sagar Reddy, Kolakani Kalyan, and Alguna Rajesham witnessed the incident and rushed the injured to the Government Civil Hospital, Sircilla. On

medical advice, the complainant's son was shifted to a private hospital in Karimnagar for better treatment. The complainant and his wife were treated at the Government Hospital in Sircilla. Basing on the same, present crime was registered.

3. Heard Mr.G.Bhaskar Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the above said crime. He further submitted that there are property disputes between the petitioner and the de-facto complainant and to dissolve the said disputes, the de-facto complainant lodged a complaint against the petitioner and the allegations made in the complaint are purely civil in nature and the entire allegations are levelled against accused No.1 only. He further submitted that petitioner along with accused Nos.3 to 5, against whom the very same allegations are levelled have approached this Court and filed CrI.P.No.8114 of 2025. This Court granted bail to accused Nos. 3 to 5 but dismissed the bail petition of the petitioner/accused No. 2 by order dated 08.07.2025. He further

submitted that the petitioner is falsely implicated in the present crime only on the ground that he is the family member of accused No.1, hence the ingredients of Section 109(1) of the BNS are not attracted against the petitioner. He further submitted that the petitioner was arrested on 15.06.2025 and since then he is in judicial custody and entire investigation is completed, except filing of charge sheet. He further submits that the petitioner is not having any criminal antecedents and he is 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 petitioner has committed grave offence and the investigation is under progress and at this stage, if the petitioner is enlarged on bail, he 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 there are specific allegations against the petitioner/accused No.2. Earlier the petitioner, along with accused Nos.3 to 5 approached this Court and filed CrI.P.No.8114 of 2025 for

grant of regular bail and this Court allowed the criminal petition in part by granting bail to accused Nos.3 to 5, but dismissed the bail petition of the petitioner/accused No.2. The record further reveals that petitioner/accused No.2 was arrested on 15.06.2025, since then he was in judicial custody. Even according to the learned Additional Public Prosecutor, 11 witnesses were examined and petitioner/accused No.2 is 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 petitioner/accused No.2, subject to the following conditions:

(i) The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.30,000/-(Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of the Principal Judicial Magistrate of First Class at Sircilla.

(ii) The petitioner/accused No.2 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, 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.

(iv) The petitioner/accused No.2 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