

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9299 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') seeking grant of pre-arrest bail to the petitioner, who is arrayed as accused No.10 in Crime No.530 of 2025 of Narsingi Police Station, Cyberabad Commissionerate, registered for offences punishable under Sections 109 r/w 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and 3(2)(v) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act, 1989').

2. The brief facts of the prosecution are that on 16.03.2025 at 22:30 hours, the complainant lodged a report before the Police stating that on 15.03.2025 at around 23:00 hours, he received a call from Tharun, who was assaulted near Kalimandir, Broadway. When the complainant reached the spot, the assailants had left. Later, while at Pista House, Aziz Nagar, the same group returned and assaulted Tharun again. On 16.03.2025, multiple phone calls and a meeting took place to resolve the issue. However, around 15:00 hours,

near Ocean Park, Kokapet, the complainant and his friends were again confronted by Venu Mudiraj and others. The complainant was verbally abused with caste based remarks and brutally attacked with cricket wickets, beer bottles, and stones, causing severe injuries. Bystanders intervened and shifted him to Freedom Hospital, and later to Continental Hospital. Hence, the complainant requested necessary action against the accused as per law.

3. Heard Sri Pulimamidi Shashidhar Reddy, learned counsel appearing on behalf of the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged in the complaint and further stated that the petitioner also belongs to the Scheduled Caste (SC) community. Therefore, the provisions under the Act, 1989, are not applicable to the petitioner, and there are no specific allegations made against him. He further submitted that similar allegations have been made against accused Nos. 3, 5, 6, 7, and 12, who have already been issued

notice under Section 35(3) of the BNSS. Hence, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that there are allegations against the petitioner and prayed the Court to dismiss the criminal petition.

6. In light of the submissions made by both learned counsels and upon perusal of the material available on record, it appears that the alleged offences against the petitioner are under Sections 109 r/w 61(2) of the BNS and Section 3(2)(v) of the Act, 1989. As seen from the record, the petitioner belongs to the Scheduled Caste community, and the provisions under the Act, 1989, are not applicable to him. Further, this Court has already issued notice under Section 35(3) of the BNSS to accused Nos. 3, 5, 6, 7, and 12. Therefore, this Court deems it appropriate to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Narsingi Police Station, Cyberabad Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
 - ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
 - iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.
7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 21.08.2025

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