

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.9396 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused in Crime No.97 of 2025 on the file of Kodangal Police Station, Vikarabad District, registered for the offence punishable under Section 109 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Case of the prosecution is that on 07.06.2025 at 10:45 AM, the *de facto* complainant lodged a complaint stating that earlier that morning around 7:00 AM, while returning home from his agricultural land, he was obstructed and attacked with a stone by a fellow villager, Banakari Raghavendar/petitioner herein, near Samanolla Sayappa's land. The *de facto* complainant received bleeding head injury and fell unconscious. On seeing this, witnesses Banakari Ramesh and Banakari Srinivas shouted, causing the accused to flee. They immediately shifted the injured

complainant to the Government Hospital in Kodangal. Basing on the same, the above crime was registered.

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

4. Learned counsel for the petitioner submitted that the petitioner has not committed the offence and has been falsely implicated in the above crime. He further submitted that there are civil disputes are pending between the petitioner and the *de facto* complainant. To dissolve the said dispute, the *de facto* complainant filed the present complaint. He further submitted in the hands of the *de facto* complainant, the petitioner sustained injuries, the wife of the petitioner lodged a complaint against the *de facto* complainant. Basing on the said complaint, crime No.98 of 2025 was registered on the very same Police Station, Kodangal on 07.06.2025 for the offences under Sections 329 (3), 324 (4) and 115 (2) of BNS. At the instance of the *de facto* complainant, the Police implicated the petitioner for the offence under Section 109 of BNS, though the said ingredient is not attracted against the petitioner. The victim has

not sustained any injuries. On the other hand, the petitioner sustained the injuries. He further submitted that the petitioner is eking out his livelihood by doing agriculture work and he is not having any other criminal antecedents. He further submitted that the entire investigation is completed, except filing of the charge sheet, and the petitioner is ready and willing to abide by the conditions which are going to be imposed by this Court and he is also ready to cooperate with the investigation. Hence, the petitioner may be enlarged on anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and the investigation is under progress. At this stage, if the petitioner is enlarged on anticipatory bail, there is every chance to interfere with the investigation and also influence the witness. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that there are civil disputes are pending between the petitioner and the *de facto* complainant. The record further reveals

that the *de facto* complaint filed suit namely O.S.No.91 of 2023 on the file of Junior Civil Judge, Kodangal for grant of perpetual injunction against the petitioner and one Banakari Keshavulu and the said suit is pending. The specific contention of the learned counsel for the petitioner is that to dissolve the civil disputes pending between them, the *de facto* complainant implicated the petitioner in the present crime. Even according to the learned Additional Public Prosecutor, the *de facto* complainant has not sustained grievous injuries and petitioner is not having any other criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused, subject to the following conditions.

1. The petitioner/accused shall surrender before the Station House Officer of P.S.Kodangal, Vikarabad District, on or before 07.08.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties, for the like sum each.

2. After release, petitioner/accused 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.
 3. After release, the petitioner/accused shall not influence the witnesses or interfere with the investigation.
 4. The petitioner/accused shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 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.

JUSTICE J.SREENIVAS RAO

Date: 01.08.2025

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