

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.9634 of 2025

ORAL ORDER:

This Criminal Petition is filed before this Court for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.1, 2, 5 and 6 in connection with FIR dated 02.07.2025 in Crime No.101 of 2025 before Mallareddigudem (Chinthalapalem) Police Station, Suryapet District, registered for the offence punishable under Section 109 read with 3(5) of BNS.

2. The case of the prosecution is that on 02.07.2025 the *de facto* complainant lodged complaint before the Police stating that when he along with his associates went to the land belonging to Smt Thatikonda Hymavathi in Survey No.500 of Chinthriyala Village, the petitioners, along with accused Nos.3 and 4, not only ploughed the land with tractor, but also abused them and beat them with sticks, rods and stones, and went to the extent of killing them, due to which they suffered severe injuries. On receipt of the said complaint, a case was registered against the accused, including

petitioners, for the offences as alleged. Aggrieved thereby, this Criminal Petition is filed seeking anticipatory bail of the petitioners.

3. Heard Sri Shaik Madar, learned counsel for petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for respondent – State.

4. Learned counsel for petitioners submitted that the allegations leveled against the petitioners are nothing but abuse of process of law. He asserted that the petitioners are innocent of all the offences as alleged, and as a matter of fact, it is the *de facto* complainant who trespassed into the property of petitioners. He contended that as per the averments of the complaint, and the remand report, there are specific and primary allegations against the accused No.3, who was arrested and released on bail. While advocating that when primary accused himself is released on bail, the custodial interrogation of petitioners is unnecessary and unwarranted, he prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioners.

5. On the other hand, the learned Additional Public Prosecutor, vehemently, opposed the submissions made by learned counsel for petitioners, and submitted that the allegations leveled against the petitioners are of serious nature to which their custodial interrogation is necessary. As such, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made, on going through the material placed on record, it is noted that specific set of allegations are leveled against accused No.3 who was arrested and is released on bail. That apart, though it is stated in the complaint that the *de facto* complainant suffered serious injuries, as of now, no injury certificate is filed by the investigating Officer. Further, the remand report would reveal that material part of the investigation is already concluded. In view thereof, this Court deems it fit to grant pre-arrest bail to the petitioners subject to compliance of the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Mallareddigudem (Chinthalapalem) Police Station, Suryapet District, within two weeks from today, and

on such surrender, the said Station House Officer shall release them on bail, on petitioners executing a personal bond for Rs.25,000/- each (Rupees Twenty Five Thousand only), with two sureties, for the like sum each.

- ii. The petitioners 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 petitioners shall appear before the concerned Investigating Officer on every Wednesday 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: 12.08.2025
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