

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.9641 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, 3 and 5 in Crime No.63 of 2025 before Tamsi Police Station, Adilabad District, registered for the offences punishable under Sections 308(5), 351(3) read with 3(5) of BNS. At this juncture, the Court is informed that petitioner No.1/accused No.1 is already arrested, as such, petition be treated as infructuous against petitioner No.1/accused No.1, and is contested only against petitioner Nos.2 and 3 who are accused Nos.3 and 5.

2. The case of the prosecution is that the *de facto* complainant lodged a complaint stating that on 23.09.2024 at about 09:30 A.M., when three oxen and three calves, were being transported to the Adilabad market in a Bolero pickup truck, the petitioners, along with others, intercepted his vehicle near Ponnari Village, assaulted the driver and demanded Rs.10,000/- and extorted Rs.5,000/- from the

complainant, accusing him of illegal cattle transport. On receipt of the said complaint, the Police registered case against the petitioners for the offences as alleged. Aggrieved thereby, this Criminal Petition is filed seeking relief of anticipatory bail.

3. Heard Smt Chanchal, learned counsel representing Sri PN. Dayakar, 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 contended that though it is stated that the alleged incident occurred on 23.09.2024, the case was registered on 22.07.2025 with delay of nearly ten months. He lamented that there are allegations specifically against accused No.1 who is already arrested and accused Nos.2, 4, 6 and 7 were arrested and released on bail as well. Therefore, while advocating that the petitioners are innocent of the offences as alleged against them, he prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to them.

5. On the other hand, the learned Additional Public Prosecutor, submitted that though main set of allegations were leveled against accused No.1 who is already arrested and produced before the trial Court, the investigation in the case being still pending, he prayed this Court to dismiss the criminal petition stating that the custodial interrogation of petitioners is necessary.

6. Having regard to the rival submissions made, on going through the material placed on record, it is noted that as per complaint averments, primary set of allegations are against petitioner No.1/accused No.1 who is already arrested and that being so, this criminal petition is not being contested against him. That apart, the other accused were also arrested and the material part of the investigation is completed. Therefore, this Court deems it fit to grant the relief of pre-arrest bail to the petitioner Nos.2 and 3/accused Nos.3 and 5, subject to compliance of the following conditions:

- i. The petitioner Nos.2 and 3/accused Nos.3 and 5 shall surrender before the Station House Officer, Tamsi Police Station, Adilabad District, within two

weeks from today, and on such surrender, the said Station House Officer shall release them on bail, on petitioner Nos.2 and 3/accused Nos.3 and 5 executing a personal bond for Rs.25,000/- each (Rupees Twenty Five Thousand only), with two sureties, for the like sum each.

- ii. The petitioner Nos.2 and 3/accused Nos.3 and 5 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 Nos.2 and 3/accused Nos.3 and 5 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, as this Criminal Petition is not contested against petitioner No.1/accused No.1, the same is partly

allowed, granting the relief of anticipatory bail to petitioner Nos.2 and 3/accused Nos.3 and 5.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 12.08.2025
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.9641 of 2025

Date: 12.08.2025

PT