

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10172 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.1 in Crime No.66 of 2025 of Gudihatnoor Police Station, Adilabad District.

2. The brief facts of the case are that on 18.04.2025 the complainant lodged a report before the Police stating that on 17.04.2025 at about 20:30 hours, he along with PC-2846 was on patrol duty in Gudihatnoor Mandal. While on duty, they reached the outskirts of Mannur village and found two persons, Gugge Rohan and Talware Maruthi, who were celebrating the birthday of Maruthi. During the celebration, Talware Maruthi created a threatening situation by holding a sword in his hand, which had the potential to cause panic among the public, disrupt harmony, and lead to a law-and-order issue. Photographs of this activity were uploaded on Gugge Rohan's Facebook account/social media. Hence, the

complainant requested necessary action against the above two persons as per law.

3. Heard Sri Naraparaju Avaneesh, learned counsel appearing on behalf of the petitioner as well as 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 was holding only a toy Talwar, and therefore, the provisions of the Arms Act are not applicable. 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 the light of the submissions made by both the learned counsel and on a perusal of the material available on record, it appears that the alleged offences against the petitioner are under Sections 351(2) of BNS, 25(1)(A) of the Arms Act and Section 67 of the IT Act, 2000-2008. As seen from the record, the offences alleged against the petitioner are punishable with imprisonment below seven years. Further, there are no allegations of any actual use of the weapon or causing injury, and the applicability of the Arms Act itself is a matter for investigation since the petitioner claims the object was only a toy sword. 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, Gudihatnoor Police Station, Adilabad District, within two weeks from today, and on such surrender, the said Station House Officer shall release them 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: 20.08.2025
SAI

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SAI