

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10406 of 2025

ORAL 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 petitioners, who is arrayed as accused Nos.2 and 3 in Crime No.259 of 2025 of Narsampet Police Station, Warangal District.

2. The brief facts of the case are that on 19.06.2025 around 12:00 PM near the bus stand in Narsampet, de facto complainant Porika Bhargavi, belonging to the ST (Lambada) community, was allegedly assaulted and robbed by the accused. She reported the incident which was occurred on 23.06.2025. She stated that her father had gifted her 1 acre 4 guntas of land at the time of her marriage and registered it in her name in 2021. She decided to sell the land, and the accused agreed to buy it for Rs.1 crore. They paid Rs.5 lakhs in advance on 19.04.2024 and later paid a total of Rs.61 lakhs in installments. However, they did not pay the remaining amount and went ahead with registering the land in someone

else's name. On 19.06.2025, de facto complainant went with her husband and father to collect the remaining amount at the house of Dr. Rajendra Prasad in Narsampet. While she received Rs.41.5 lakhs, A1 forcibly took the money, then returned it briefly. Later, near the bus stand, the accused stopped her car, snatched the money bag, physically restrained her family, and abused her using casteist slurs. They fled in a car and threatened to kill her family if they pursued the matter. She alleged that the accused were cheating tribal landowners through fraudulent means. She later went into depression and consumed sleeping pills.

3. Heard Sri Ch. Venu Kumar, learned counsel appearing on behalf of the petitioners 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 Petitioner No.1/Accused No.2 has already been arrested, and the petition against Petitioner No.1/Accused No.2 has become infructuous. He further submitted that Petitioner No.2/Accused No.3 is in no way connected to the alleged

transactions, he is neither the purchaser of the property nor a witness to the document. Therefore, there is no question of him being involved in the payment of the remaining sale consideration. The allegations themselves are false. Hence, he prayed to the Court to grant pre-arrest bail to Petitioner No.2/Accused No.3 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 the investigation is not yet completed and that there are allegations against the petitioner, as such, at this stage, granting of pre-bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. In light of the submissions made by both learned counsel and upon perusal of the material available on record, the offences alleged against the petitioners are under Sections 318(4), 308(5), 126(2), 74, and 111 read with Section 3(5) of the BNS, and Section 3(1)(r)(s) of the SC/ST (PoA) Act. According to the de facto complainant, the alleged caste-based abuse was made by Accused No.1, and the provisions of the

SC/ST Act are not applicable to the petitioner. Further, the remaining allegation against the petitioner is that he took back the money. As seen from the record, the sale deed was executed on 19.04.2024. Moreover, there are no specific allegations against the petitioner. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to Petitioner No.2/Accused No.3, subject to the following conditions:

- i. The petitioner No.2/accused No.3 shall surrender before the Station House Officer, Narsampet Police Station, Warangal District, 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 No.2/accused No.3 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 No.2/accused No.3 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

8. Accordingly, this Criminal Petition is allowed in part. The petition against petitioner No.1/accused No.2 is dismissed as infructuous.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 25.08.2025
SAI

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