

**THE HONOURABLE SMT. JUSTICE K. SUJANA**

**CRIMINAL PETITION No.10482 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.115 of 2025 of Nallabelli Police Station, Warangal District.

2. The brief facts of the case are that on 22.05.2025 the de facto complainant lodged a complaint before the Police stating that one Dharmaram Sambaiah, who resides opposite his house, attempted to construct a compound wall by encroaching on the vacant land in front of the his house. The village elders advised Sambaiah not to encroach on others' land and to construct the wall within his own boundary, but he ignored their advice. Later, Sambaiah came to the vacant land, started digging and removing soil using a crowbar and iron spade. When the complainant questioned him, Sambaiah shouted at him, saying he had no land there and abused him in filthy language. Sambaiah and his son picked up a quarrel

with the complainant, and Sambaiah assaulted him with an iron spade on the dorsal side of his right hand, causing swelling and injury. At that time, nearby persons, Duppelli Swamy and Dainampalli Jilani, intervened and stopped Sambaiah.

3. Heard Sri M. Prabhakar Rao, 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 allegations made against the petitioner were false and baseless, arising out of a civil dispute between the petitioner and the defacto complainant and that the defacto complainant, in collusion with his son who works as a home guard at PS Nallabelly, had misused his influence to register a false criminal case to harass the petitioner and settle the civil dispute. He further submitted that even in the complaint, the de facto complainant admitted that the dispute mainly pertained to the construction of a compound wall, but false

allegations of grievous hurt were added only to implicate the petitioner in criminal offences.

5. Learned counsel for the petitioner contended that the petitioner had earlier approached the learned Special Sessions Judge for Trial of Cases under the SC/ST (POA) Act-cum-II Additional Sessions Judge, Warangal, seeking anticipatory bail in Cri.M.P.No.247 of 2025 in Cr.No.115 of 2025, but the petition was dismissed on 23.07.2025 based on the prosecution's counter and the affidavit of the S.I., who claimed that there were eyewitnesses and that the injuries were grievous in nature as per the CMO's report from GGH, Narsampet. The trial Court had dismissed the petition under the misconception that the section had been altered from 118(1) to 118(2), though the offences as on date remained bailable, punishable with imprisonment up to three years. He further submitted that the complainant had misused his political and financial influence and exaggerated the injury, as his own complaint mentioned only swelling on the right hand. He contended that the statements of the witnesses were recorded on the same day the FIR was registered, and the investigation was completed except for the filing of the charge

sheet. The petitioner was an elderly, law-abiding citizen, a permanent resident of Nallabelly with no previous criminal record. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

6. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations leveled against the petitioner are serious in nature. Further, the investigation was not yet completed. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

7. In light of the submissions made by both learned counsel and upon a perusal of the material available on record, it appears that the incident occurred in the month of May. As seen from the record, the material part of the investigation has been completed, and all the witnesses have been examined except for the filing of the charge sheet. Further, it is noted that the dispute appears to have arisen out of a civil issue regarding the construction of a compound wall, and the petitioner has cooperated with the investigation

so far. Considering that custodial interrogation is not required at this stage and there is no possibility of tampering with evidence, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Nallabelly 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 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.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand  
closed.

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**K. SUJANA, J**

Date: 20.08.2025  
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