

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.10521 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.96 of 2025 before the Ramagiri Police Station, Peddapalli District.

2. The case of the prosecution is that, on 10.07.2025, the complainant, along with other police personnel, was patrolling Nagepalli village. Simultaneously, two other officers arrived to trace a missing woman involved in Cr.No.03/2025U/H of Peddapalli Rural PS. The team successfully located the woman and proceeded to the police station with her. At that time, the petitioner allegedly obstructed their movement by parking his bike in the opposite direction and interfering with their official duties. The petitioner was produced before the II Additional Judicial Magistrate of First Class, Godavarikhani, who rejected the remand on the grounds that the alleged offences were punishable with less than seven years and released him. However, the respondent challenged this before the Sessions Judge, who reversed the order of the Magistrate, citing

obstruction of official duties and pending criminal cases against the petitioner, directing the Magistrate to remand the petitioner to judicial custody. Aggrieved by the same, the petitioner filed the present petition.

3. Heard Sri T.V. Ramana Rao, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that, as per the complainant, the accused is allegedly involved in other criminal cases. However, mere involvement in other cases cannot be a valid ground to reject anticipatory bail. The offences for which the petitioner is implicated are punishable with imprisonment of less than seven years, and there are no sufficient grounds to justify remanding him to judicial custody. The learned Magistrate rightly rejected the remand application. The Sessions Court's reversal of that order directing the Magistrate to remand the petitioner is improper and legally unsustainable. He also relied upon the judgments of the Hon'ble Apex Court in **Shri Gurbaksh Singh Sibbia and Ors. Vs. State of Punjab**¹ and **Arnesh Kumar Vs. State of Bihar and Anr.**²,

¹ (1980) 2 SCC 565

contending that the accused cannot be remanded to judicial custody, as all the offences alleged are punishable with imprisonment of less than seven years. Therefore, prayed this Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by the learned counsel for the petitioner by stating that the petitioner had taken the law into his own hands and obstructed the legitimate duties of the police. Despite being informed of the reasons for taking the missing woman into custody, the petitioner continued to interfere. Furthermore, a breath analyser test was conducted, which clearly indicated that the petitioner was in an intoxicated state at the time of the incident. In addition, several criminal proceedings are pending against the petitioner, and a rowdy sheet has been opened in his name. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. After considering the submissions made by both learned counsel and reviewing the material available on record, it is observed that the learned Additional Public Prosecutor opposed

² (2021) 8 SCC 273

the grant of anticipatory bail to the petitioner solely on the ground that he is involved in several criminal cases. However the alleged offences against the petitioner are bailable offences except the offence under Section 132 of BNS, which is punishable with imprisonment for two years or fine. Further, the material part of the investigation has been completed and taking into account the facts and circumstances of the case, the petitioner is granted pre-arrest bail, subject to compliance with the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Ramagiri Police Station, Peddapalli 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.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 22.08.2025
SS

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.10521 of 2025

Date: 22.08.2025

SS