

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10971 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 are arrayed as accused Nos.4 and 5 in Crime No.27 of 2025 of Shahalibanda Police Station, Hyderabad.

2. The brief facts of the case are that on 13.03.2025 de facto complainant lodged a report before the Police stating that on 13.03.2025 when her husband was at home, his elder brother Syed Mahmood Hussaini called GHMC workers for manhole cleaning without her husband's consent. When her husband questioned Syed Mahmood Hussaini about this, Syed Mahmood Hussaini and his son, Syed Mustafa Hussaini, became enraged, caught hold of him, and along with other family members, namely Saber Hussaini, Syed Mahmood Hussaini's wife Syeda, and Syed Mustafa Hussaini's wife Sumaiya, assaulted him with hands, legs, and a stick, causing bleeding injuries on his nose, mouth, and ribs. When she tried to save her husband, Syed Mustafa Hussaini pushed her forcefully, causing her to fall on the grill and floor, and

when she tried to pull his leg, he kicked her. She then came out of the house screaming for help.

3. Heard Sri Ahmed Khan, learned counsel appearing on behalf of the petitioners as well as Sri E. Ganesh, learned Assistant Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioners submitted that the petitioners were falsely implicated in the case due to a family dispute and that they had no role in the alleged incident and that petitioner No.1 was a 72-year-old frail woman suffering from heart disease and severe diabetes, unable to even walk without assistance, and therefore the allegations against her were false and fabricated. He further submitted that petitioner No.2, the daughter-in-law of petitioner No.1, was a pardanasheen lady and a housewife, who was not even present at the alleged scene of offence. He contended that accused Nos.1, 2, and 3, who were the husband, son, and brother of petitioner No.1 respectively, had already been granted regular bail by the lower court, and that the defacto complainant, with mala fide intention, had converted a civil dispute into a criminal case and falsely implicated the petitioners. Therefore, he prayed the Court to grant pre-arrest bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Assistant Public Prosecutor opposed the bail stating that the injuries sustained by the victim are grievous in nature and according to the de facto complainant, the petitioners also bet her husband. He further submitted that the investigation was not yet completed. Therefore, he 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 petitioners are arrayed as Accused Nos.4 and 5. As seen from the record, Accused Nos.1 to 3 were arrested and later released on bail. Further, the material part of the investigation has been completed and eight witnesses have been examined. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioners, subject to the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Shah Ali Banda Police Station, Hyderabad, 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 petitioners 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 petitioners 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: 02.09.2025
SAI

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