

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.11235 of 2025

ORAL ORDER:

This Criminal Petition is filed before this Court for grant of pre-arrest bail to the petitioners who are arrayed as accused Nos.1 to 5 in FIR.No.235 of 2025 before the Santoshnagar Police Station, Hyderabad, registered for the offence punishable under Sections 74, 109(1) read with 190 of BNS.

2. The Court is informed that the petitioner Nos.4 and 5 are already arrested, as such, this petition is not maintainable against them and shall be prosecuted only to the extent of petitioner Nos.1 to 3.

3. The case of the prosecution is that the de facto complainant lodged report before the police stating that on 25.08.2025 at about 18:15 hours, when her husband went to Masjid for rent payments, the petitioners, who are a group of masjid elders and followers, brutally attacked him, despite knowing his medical condition and mercilessly beat him,

causing severe bleeding injuries, and when de facto complainant intervened to save her husband, the petitioner allegedly molested her and abused in filthy language. On receipt of the said complaint, the Police registered crime against the petitioners, for the offences as alleged. Aggrieved thereby, this Criminal Petition is filed.

4. Heard Sri Khaja Vizarat Ali, learned counsel for petitioners, Sri Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for respondent No.1 – State, and Smt V.Sanjana, learned counsel for respondent No.2.

5. Learned counsel for petitioners submitted that the petitioners are innocent of the offences as alleged, and on the date of incident, they were simply sitting in masjid, along with other members when the de facto complainant and her husband entered the masjid which belongs to masjid committee and began to abuse them and insulted them. Therefore, while advocating that the petitioners are innocent of the offences as alleged, and the fact that petitioner Nos.4 and 5 are already arrested, he prayed this Court to allow the

Criminal Petition in so far as petitioner Nos.1 to 3 are concerned, by granting the relief of anticipatory bail to them.

6. On the other hand, the learned Additional Public Prosecutor, vehemently opposed the submissions made by learned counsel for petitioners and submitted that the allegations leveled against the petitioners are of serious nature which resulted in causing bleeding injuries to the victim. Therefore, while advocating that the investigation is still pending, and pleading consideration of the medical certificate which is filed, he prayed this Court to dismiss the Criminal Petition.

7. Learned counsel for respondent No.2 submitted that in spite of being aware of the fact that the husband of de facto complainant is suffering with mouth cancer, they attacked him brutally and beat him mercilessly. While advocating that the de facto complainant and her husband are not provided with any security, she prayed this Court to dismiss this criminal petition.

8. Having regard to the rival submissions made, on going through the material placed on record, it is noted that petitioner Nos.4 and 5 are already arrested, as such, this petition is proceeded with only in so far as petitioner Nos.1 to 3 are concerned. As seen from the medical certificate dated 27.08.2025, the injuries sustained by the husband of de facto complainant are of simple nature. Therefore, this Court deems it fit to grant pre-arrest bail to petitioner Nos.1 to 3, subject to compliance of the following conditions:

- i. The petitioner Nos.1 to 3 shall surrender before the Station House Officer, Santoshnagar Police Station, Hyderabad, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail, on them executing a personal bond for Rs.25,000/- each, (Rupees Twenty Five Thousand only), with two sureties, for the like sum each.
- ii. The petitioner Nos.1 to 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 Nos.1 to 3 shall appear before the concerned Investigating Officer on every Wednesday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

9. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 11.09.2025
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K. SUJANA, J

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