

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12558 OF 2025

ORDER :

This criminal petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/A.1 seeking anticipatory bail in the event of his arrest in connection with FIR No.343 of 2025 of Choutuppal Police Station, Rachakonda. The offences alleged against the petitioner are under Sections 316(2), 316(5), 318(4) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Sri Khaja Vizarat Ali, learned counsel for the petitioner and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

3. The contention of learned counsel for the petitioner is that the complainant earlier filed a complaint against the petitioner vide FIR No.308 of 2025 for the offences under Sections 126(2), 351(2) and 352 of BNS. The allegations in the earlier complaint and in the present complaint are one and the same. He further contended that Registration of second FIR for the same allegations is against the judgment of the Apex Court in

T.T.Antony Vs State of Kerala¹, wherein, it is held that a second FIR based on the same cause of action is impermissible. As such, requested this Court to grant bail to the petitioner.

4. Learned Additional Public Prosecutor on instructions would submit that the allegations in FIR No.308 of 2025 and the allegations in the present FIR are one and the same.

5. Considering the submissions made by both the counsel and the material on record, as a second FIR is registered against the petitioner for the same allegations, this Court is inclined to grant bail to the petitioner subject to the following conditions :

- i. The petitioner/A.1 shall surrender before the Judicial First Class Magistrate at Choutuppal within two weeks from today, and execute a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for the like sum each and on such surrender, the trial Court shall release the petitioner.
- ii. The petitioner/A.1 shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation and thereafter, as and when required.

¹ (2001) 6 SCC 181

- iii. The petitioner/A1 shall abide by the other conditions stipulated in Section 482(2) of BNSS and co-operate with the Investigating Officer in investigating the case.

6. Accordingly, this Criminal Petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

Date :25.09.2025
Rds

K. SUJANA, J

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