

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12928 OF 2025

ORDER :

This criminal petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/A.2, A.3, A.4 & A.7 seeking their enlargement on bail in connection with Crime No.1887 of 2025 of Gachibowli Police Station, Cyberabad. The offences alleged against the petitioners are under Sections 109 r/w.3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution is that on 25.08.2025 at 17:15hours, the defacto complainant- Sri Koduru Pitecheswara Rao, gave a complaint stating that he was the absolute owner of Flat Nos.104 and 304 of Koduru Mansion, Indira Nagar, Gachibowli. He had rented out these flats in 2014 to Pasham Amarnath Reddy and Rohit Kumar Reddy, along with other flat owners in the building. From the year 2020 onwards, the tenants allegedly stopped paying rent and refused to vacate the premises. As a result, the defacto complainant and other flat owners filed a civil suit in O.S.No.592 of 2022 before the Hon'ble Senior Civil Judge at Kukatpally. The court decreed the suit in their favor on 09.08.2024 and following the decree, the

complainant filed E.P.No.20 of 2025 before the same court, which issued a 'Delivery Warrant' in his favor. On the date of the alleged incident, the Court Bailiff, Mr. K. Gopi, visited the premises to execute the warrant. Further when the accused persons demanded to see the decree copies, an altercation took place between the accused and complainant. It was alleged that the accused attacked the complainant and others accompanying him using steel rods and wooden sticks. As such, complainant requested to take necessary action against the accused. Basing on the said complaint, police registered the above crime against the accused.

3. Heard Sri Posani Venkateshwarlu, learned Senior Counsel appearing for Ms.Seema Yasmeen, learned counsel for the petitioners, Sri VSRMV Prasad Sanaka, learned counsel appearing for the implead respondent-complainant and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioners is that petitioners are innocents and did not commit any offence. Petitioner Nos.1 to 3 are the hostel owners of their respective P.G. Hostels and petitioner No.4 is working as Supervisor in petitioner No.1's hostel. In fact the complainant is the

aggressor and petitioners herein sustained injuries in the hands of complainant. Though they lodged report before police no FIR was registered against them whereas criminal case is registered against these petitioners. The petitioners are in jail from 25.08.2025 and almost 42 days is completed. There are no ingredients to attract Section 109 of BNS as there is no such intention even according to the complainant. As such, requested this Court to grant bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor opposed bail stating that there are serious allegations against these petitioners. He also submitted that all the injured have sustained simple injuries and implead respondent who is the defacto complainant filed counter stating that there are serious allegations against these petitioners and the investigating officer has not investigated the case in proper manner. As such, defacto complainant approached this Court by filing W.P.No.28754 of 2025 wherein this Court directed the investigating officer to consider the representation dated 01.09.2025 and to file a counter elaborately from the date of registration of FIR. He further submitted that there was a brutal attack against the complainant including the counsel on record when they went to implement the Court order. The

accused attacked the complainant and others and also the court bailiff as such, petitioners are not entitled for bail at this stage and requested this Court to dismiss this petition.

6. Considering the submissions made by both the counsel and the material on record, according to petitioners there was a quarrel between both the parties and the defacto complainant himself is an aggressor whereas, the contention of 2nd respondent is that it is an attack by the petitioners when the defacto complainant went for execution of court order. The record shows that petitioners are in jail from 25.08.2025 and A.5 was already granted bail. As the petitioners are in jail for a considerable period, this Court deems it fit to grant bail to the petitioners subject to the following conditions :

- i. The petitioners/A.2, A.3, A.4 & A.7 shall execute personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each with two sureties for a like sum each to the satisfaction of Xth Judicial Magistrate of First Class, Ranga Reddy District at Kukatpally, Cyberabad.
- ii. The petitioners/A.2, A.3, A.4 & A.7 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.

- iii. The petitioners/A.2, A.3, A.4 & A.7 shall abide by the conditions stipulated in Section 483(2) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

K. SUJANA, J

Date :17.10.2025

Rds

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