

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16352 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioners who are arrayed as accused No.1 Crime No.272 of 2024 of Regonda Police Station, Jayashankar Bhupalpally.

2. The brief facts of the case are that accused Nos.1 and 2 besides beating the *de-facto* complainant by trespassing into his house, they also threatened him with dire consequences. Hence, a case was registered vide Crime No. No.272 of 2024 of Regonda Police Station, Jayashankar Bhupalpally, for the offences punishable under Sections 109, 329(4), 296(b) read with 3(5) of BNS.

3. Heard Sri KR Sunil Kumar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the

alleged offences. He *secondly* submitted that though the alleged incident was occurred on 28.10.2024, the FIR was registered on 31.10.2024 with a delay of 2 days to falsely implicate the petitioner in this case with fabricated allegations. He *thirdly* submitted that initially the Police registered under Sections 329(4), 118(1), 351(2) read with 3(5) and thereafter the Police have filed a memo after a delay of 25 days from the lodging the complaint and which were altered as Sections 109, 329(4), 296(b) read with 3(5) of BNS. He *fourthly* submitted that there is intention to commit this offences, due to repeated the arguments of *de-facto* complainant and petitioner, the incident took place and there are no grievous injuries and there is no criminal antecedent against this peitioner. He *lastly* submitted that previously, anticipatory bail applications of the petitioners *vide* Crl.M.P.No.308 of 2024 was dismissed by the Principal Sessions Judge, Jayashankar Bhupalpally, on 12.12.2024, without valid reasons. Therefore, he prayed the Court to grant of anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the allegations leveled against the

petitioner are severe in nature and the investigation is not yet completed, therefore, granting of bail to the petitioners at this stage does not arise and he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it is apparent the averments of the petition do not constitute offences under Section 109 of BNS against the petitioner and the disputes between the parties are with regard to the marriage of *de-facto* complainant daughter and petitioner and they are close relatives. It is stated that there is a delay of two days in filing the complaint and 9 witnesses were examined and material part of the investigation is also completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioners.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before
the Station House Officer of
P.S.Regonda, Jayashankar

Bhupalpally, 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 petitioners shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioners shall abide by the other condition stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 07.01.2025

gv

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