THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15990 of 2024

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.1 and 2 in Crime No.223 of 2024 of Gummadidala Police Station, Sangareddy District, on the file of the Judicial Magistrate of First Class cum Special Mobile Magistrate Court, at Sangareddy.

2. The brief facts of the case are that on 19.12.2024, at 9:00 AM, complainant Gaddam Hanmanth Reddy lodged a complaint stating that he and his friend, Yadam Tulasi Ram, own 4 acres of land in Annaram village, where they are constructing a compound wall and roads. However, 35 individuals arrived at the site, damaged property, and threatened the staff of Hanmanth, claiming to be henchmen of petitioners - Lingayyagari Narendar Reddy and Lingayyagari Surendar Reddy. The cell phones of the staff were snatched, and Rs.5,000/- was stolen.

3. Heard Sri G. Ashok Reddy, learned counsel for petitioners, Sri Syed Yasan Mamoon, learned Additional Public Prosecutor appearing on behalf of respondent No.1-State and Sri T.V. Ramana Rao, learned counsel for respondent No.2.

4. Learned counsel for the petitioners submitted that the allegations against the petitioners are false and concocted, and they have been falsely implicated in the case. He lamented that the complaint fails to establish any offence under sections 109, 308(5), 127(2), 324(4), and 191(2) read with 190 of BNS. He contended that the petitioners were merely protecting their property rights and did not commit any rioting or unlawful assembly. In support of the said contention, he cited precedents stating that arrest should be the last option and that bail is the rule, not the exception. Learned counsel averred that the petitioners undertake to cooperate with the investigation, not tamper with evidence, and cooperate with the trial. Therefore, while advocating that petitioners are law-abiding citizens from a respectable family with deep roots in society, and that there is no risk of them

fleeing or interfering with the investigation, prayed this Court to grant anticipatory bail to the petitioners.

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 petitioners are serious in nature, and that as the investigation is not yet completed, the question of granting anticipatory bail to the petitioners at this stage, does not arise. Therefore, prayed the Court to dismiss the criminal petition.

6. Learned counsel for respondent No.2 submitted that the petitioners have not approached the Court with clean hands, making their anticipatory bail application liable for dismissal due to suppression of material facts. He further submitted that respondent No.2 owns 2 acres of land in Sy.No.261/2/1/2, Annaram Village, that was purchased through a registered sale deed in 2023. He further submitted that similarly, Mr. Yadama Tulasi Ram owns the adjacent 2 acres. They have been in peaceful possession since purchase, and that the petitioners, without any right or interest in their

land, has illegally interfered with their possession on 19.12.2024, damaged property and threatened them. Therefore, prayed the Court to dismiss the criminal petition.

7. Having regard to the rival submissions made and on going through the material placed on record, it is noted that admittedly, the petitioners were not present at the scene of offence to attract offence under Section 308(5) of BNS, as the petitioners have not delivered any property in view of threats. The complaint averments would show that the persons who were engaged by the petitioners have allegedly bet the victims and snatched their mobile phones but *prima facie,* there are no ingredients to constitute the offence under Section 305(5) of BNS. Except alleging that the petitioners intended to cause death of the victim, there are no averments to constitute such offences against the petitioners. Admittedly, there are property disputes of petitioners with the *de facto* complainant, and that the *de facto* complainant has already filed suit and also obtained injunction order. The material part of the investigation is already completed, as such, on considering the said circumstances, this Court deems it fit to grant pre-arrest bail to the petitioners, subject to compliance

of following conditions, and ensuring their presence during the investigation and trial:

i. The petitioners shall surrender before the Station House Officer, Gummadidala Police Station, Sangareddy District, 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/- 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.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.01.2025
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