

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16133 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 herein in Crime No.148 of 2024 of Kagaznagar-Rural Police Station, Kumrambheem Asifabad.

2. The brief facts of the case are that on 22.12.2024 at 08.00 hours *de-facto* complainant lodged a complaint before the Police stating that *de-facto* complainant and accused No.2 are own brothers and they have quarrels in their house's land issues, while during the village elders counseling in between both families about their land issue, meantime, the brother of the *de-facto* complainant abused him with most filthy language and beat him with hands and also his brother son had attacked on the *de-facto* complainant with knife. As a result, he sustained with blood injuries on his head, mouth, lip and his eyes. Hence, the case was registered vide Crime No. 148 of 2024 of Kagaznagar-Rural Police Station,

Kumrambheem Asifabad, for the offences punishable under Sections 109 read with 3(5) of BNS.

3. Heard Sri P.Ramulu, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioners *firstly* submitted that the petitioners are innocent and they are no way concerned with the alleged offences. He *secondly* submitted that the civil dispute between the *de-facto* complainant and the petitioners herein. He *thirdly* submitted that the sustained injuries are simple in nature and Section 109 of BNS, does not applicable to the petitioners. He *lastly* submitted that the petitioner is resident of Kumarambheem, Asifabad District, with movable and immovable properties, and is willing to furnish sureties as directed and prayed the Court to grant of anticipatory bail to the petitioners 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 accused No.1 was attacked the *de-facto* complainant with knife, where as he received bleeding

injuries and the investigation is not yet completed and therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, 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 that the injuries are in simple in nature and the disputes between the parties are land issues. It is pertinent to note that the material part of investigation investigation is 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 petitioner.

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

- i. The petitioners shall surrender before the Station House Officer of P.S.Kagaznagar-Rural 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 SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.01.2025

gv

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.16133 of 2024

Date: 03.01.2025

gv