

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15543 of 2025

DATE: 03.12.2025

Between:

Bommagani Rajesh

.... Petitioner/Accused

AND

State of Telangana,
Rep. by its Public Prosecutor,
High Court for the State of Telangana,
at Hyderabad. Through Duggondi Mandal,
Warangal District.

.... Respondent/
Complainant

ORDER

The Criminal Petition is filed under Section 482 of BNSS praying this Court to grant pre-arrest bail to the petitioner-accused in Crime No.87 of 2025 before the Duggondi Police Station, Warangal District. The case was initially registered for the offences punishable under Sections 296 and 118(1) of the BNS. Subsequently, Section 118(1) of the BNS was altered

to Section 118(2), based on the medical certificate issued by the competent authority.

2. The brief facts of the case are that, on 07.04.2025, the *de-facto* complainant lodged a report before the police stating that, on 05.04.2025, while he was leaving for the bank, the petitioner and his brother were quarrelling with each other regarding a house construction issue. When the complainant intervened and advised them not to quarrel as they were brothers, the petitioner retorted by questioning who he was to interfere and continued the quarrel. The complainant thereafter lodged a complaint at the police station. In connection with the same, on the very day at about 20:30 hours, when the complainant went to purchase vegetables, the petitioner, armed with a stick, approached him, abused him in filthy language, and assaulted him on his hand and other parts of his body. He also kicked the complainant, causing a severe injury to his left leg. Hence, the complainant requested the police to take necessary action. Based on this report, the police registered a case against the accused for the alleged offences.

3. Heard Sri A. Prabhakar Rao, learned counsel for petitioner, and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was innocent of the allegations and that there were previous disputes between the *de-facto* complainant and the petitioner, due to which the complainant had falsely implicated the petitioner in the present case. He further submitted that the injuries sustained by the *de-facto* complainant were prior to the alleged incident, and that no fracture injury was attributable to the petitioner in the present case and that the petitioner was willing to cooperate with the investigation. Therefore, he prayed the Court to grant anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the allegations against the petitioner were grave in nature and that the petitioner had assaulted the *de-facto* complainant with a wooden stick, causing grievous injuries, and that custodial

interrogation was necessary for effective investigation. Hence, he prayed that the Court dismiss the criminal petition.

6. Having regard to the rival submissions and upon perusal of the material placed on record, it was noted that, according to the petitioner, no fracture injury was sustained by the *de-facto* complainant. The medical certificate filed by the prosecution shows that the requisition was made on 06.04.2025, i.e., prior to the date of the filing of the complainant, and that the injury sustained by the complainant was caused by hand and not by a wooden stick. Considering these circumstances, this Court is of the considered opinion that Section 118(2) of the BNS was not applicable to the present case, and that the offence fell under Section 118(1) of the BNS. In such circumstances, this Court held that custodial interrogation of the petitioner was not warranted and deemed it appropriate to grant pre-arrest bail to the petitioner, subject to compliance with the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Duggondi Police Station, Warangal District within two weeks from today, and on such

surrender, the said Station House Officer shall release petitioner on bail, on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, for the like sum each.

- ii. The petitioner 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.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Wednesday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.12.2025
SS

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