

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16334 of 2025

DATE: 16.12.2025

Between:

Kola Banaiah and another

.... Petitioners/accused Nos.1 and 2

AND

The State of Telangana,
Through SHO, Thangallapalli P.S.,
Rep. by the Public Prosecutor,
High Court for the State of Telangana,
at Hyderabad.

.... Respondent/Complainant

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.370 of 2025 of Thangallapalli Police Station, Rajanna Sircilla District,

wherein initially registered for the offences punishable under Sections 118(1) r/w 3(5) of the BNS and later altered the same after receiving the injury certificate to Section 109 of the BNS.

2. The brief facts of the case are that, on 28.11.2025, the de-facto complainant, who is the wife of the injured witness, lodged a report before the police stating that some of their villagers informed the complainant that accused Nos.1 and 2 assaulted and beat her husband and her husband sustained bleeding injuries and he is in unconscious condition and thereafter, the complainant and her family members shifted the injured to the hospital and later, reported the same to the police. Basing on the said complaint, the police registered a case for the above said offences.

3. Heard Sri K. Rajasekhar, learned counsel representing Sri T. Sai Chand, learned counsel appearing on behalf of the petitioners as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners are innocent of the said allegations and in fact, there are land disputes between the parties and only to settle the civil case, the petitioners are falsely implicated in this case and the custodial interrogation of the petitioners is not required and there is no such intention mentioned in the complaint to attract the offence punishable under Section 109 of the BNS and prayed the Court to grant pre-arrest bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by learned counsel for petitioners, on the ground that, there are relationship between the parties and previously, accused No.1 was involved in two crimes and he is having a criminal history and the allegations against the petitioners are serious in nature and they are not entitled for the anticipatory bail and prayed the Court to dismiss the Criminal Petition.

6. In the light of the submissions made by both the learned counsel and on a perusal of the material available on record, it appears that the instructions filed by the learned

Additional Public Prosecutor shows that accused No.1 is previously involved in two crimes i.e. Crime Nos.88 of 2023 and 436 of 2024 and the allegations against the petitioners are serious in nature that they beat the injured witness with a stick and he sustained grievous injuries. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioner No.2/accused No.2, who is the wife of accused No.1, subject to the following conditions and the petitioner No.1, who is the accused No.1, is not entitled for the bail:

- i. The petitioner No.2/accused No.2 shall surrender before the Station House Officer, Thangallapalli Police Station, Rajanna Sircilla District, 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 petitioner No.2/accused No.2 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 No.2/accused No.2 shall appear before the concerned Investigating Officer on every Monday 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 partly allowed and this Criminal Petition is dismissed against accused No.1.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

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