

**IN THE COURT OF II ADDL. DISTRICT AND SESSIONS
JUDGE, AT BALLARI.**

PRESENT: GUDI VASUDEV RADHAKANT,
B.Com., LL.M.,

**III ADDL. DISTRICT & SESSIONS JUDGE BALLARI AND
I/c. II ADDL. DISTRICT & SESSIONS JUDGE BALLARI**

DATED THIS THE 15th DAY OF JULY 2026

CRL.MISC.No.694/2026

Petitioners/ : 1. Abdul Hasan S/o. Syed Abdul Khadar, aged
Accused-1 to 4 32 years, Occupation : Agriculture, R/o.
Durga Peta, Penukonda, Ananthapuramu,
Andhra Pradesh State.

2. Syeda Habeeb W/o. Abdul Khadar, aged 50
years, Occupation : Housewife, R/o. Durga
Peta, Penukonda, Ananthapuramu, Andhra
Pradesh State.

3. Syed Sadiq S/o. Abdul Khadar, aged 28
years, Occupation : Agriculture, R/o. Durga
Peta, Penukonda, Ananthapuramu, Andhra
Pradesh State.

4. Syeda Parveen @ Paravina W/o. S.Sadiq,
aged 23 years, Occupation : Housewife, R/o.
Durga Peta, Penukonda, Ananthapuramu,
Andhra Pradesh State.

(By Sri.R.M.Katharaki, Advocate)

//Vs.//

Respondent: The State by Sub Inspector of Police,
Tekkalakote Police Station, Tekkalakote.

(By Learned Public Prosecutor)

ORDERS

This petition is filed by petitioners/accused No.1 to 4 U/Sec.482 of Bharatiya Nagarika Suraksha Sanhita, 2023 seeking anticipatory bail in the event of their arrest in Crime No.41/2026 registered by Tekkalakote Police Station, Tekkalakote for the offences punishable U/Sec.109(1), 115(2), 118(1), 74, 49, 85, 352, R/w. Section 3(5) of Bharathiya Nyaya Sanhitha, 2023 and under Section 3 and 4 of Dowry Prohibition Act, 1961.

2. The brief facts of the petition are that on 07.05.2018, marriage of the informant with accused No.1 was performed as per Islam religion. Parents of the informant had spent heavy expenditure and given Rs.3,00,000/- cash and 12 tolas of gold to accused No.1 as a dowry. Out of their wedlock, three children were born. After marriage, informant had joined the nuptial company of accused No.1. They lead happy marital life for some time. Afterwards, accused No.1 being husband and accused No.2 to 4 being relatives of husband of informant have started to harass her on the ground that she has not brought sufficient dowry. Accused No.1 to 4 in furtherance of their intention, have assaulted the informant with belt, club and other articles. They have also tried to press her neck with an intention to commit her murder. They have abused the informant as '*Soolé*'. When the informant intimated this fact to her father, pachayaths were held. However it did not yield any

fruits. Again the accused persons have repeated the said acts of assaulting the informant, abusing her in filthy language. They have driven her from their house, compelling her to reside in her parental house. On 29.05.2026, accused No.1 to 4 came to the parental house of the informant, abused her in filthy language as '*Chinali Soole*', insisted her to bring additional dowry from her parental house, tried to commit her murder by pressing her throat, assaulted her with bare hands and club, voluntarily caused hurt, when the mother of the informant came to rescue, accused persons have abused her in filthy language, assaulted her with club, pushed her, outraged her modesty and thereby committed the alleged offences.

3. Accused No.1 to 4 have filed the present petition on grounds that they are innocent, peace loving citizens and they have not committed any offences as alleged by the informant. Informant has conveniently narrated the false facts, which is a result of concoction and introduction of afterthought version. They have been falsely implicated in the case. Though the alleged offences are non-bailable, not exclusively punishable with death or imprisonment for life. They are ready to abide by any conditions that may be imposed by the Court. They will not tamper with the witnesses of Prosecution and also will not abscond from jurisdiction of the Court. Hence, prayed to grant bail in the interest of justice.

4. Learned Public Prosecutor has filed objections along with I.O. Report *interalia* denying the entire contents of the petition. It is contended that there are no bonafide grounds to grant the bail. Accused have abused the informant in filthy language, insisted her to bring additional dowry from her parental house, tried to commit her murder by pressing her throat, assaulted her with bare hands and club, voluntarily caused hurt, when the mother of the informant came to rescue, accused persons have abused her in filthy language, assaulted her with club, pushed her, outraged her modesty and thereby committed the heinous offences. Still investigation is under progress. If accused are released on bail, they may pose threat to the prosecution witnesses, commit similar offences and may not co-operate for investigation. Therefore, prayed to reject the petition.

5. Heard the arguments of learned counsel for the petitioners/accused Nos.1 to 4 and learned Public Prosecutor for the State.

6. The Points that arise for consideration are :

1. Whether the petitioners/accused Nos.1 to 4 are entitled for anticipatory bail?

2. What order ?

7. My answer to the above points are ;

Point No.1 In the Affirmative

Point No.2 As per final for the following:

REASONS

8. **POINT NO.1:-** At the outset, it is necessary to cull out the principles governing the grant of bail. While considering an application for grant of bail in a suitable case, the court must consider the settled factors, which emerge from the precedents of higher echelons of judiciary. These factors can be summarized as follows:-

- 1) The nature of alleged offence, the nature of accusation and the severity of the punishment in the case of conviction.
- 2) Whether there exists a reasonable apprehension of the accused tampering with the witnesses or being a threat to the complainant or the witnesses.
- 3) Possibility of securing the presence of accused at the trial or likelihood of the accused fleeing from the justice.
- 4) Antecedents of circumstances, which are peculiar to the accused.

5) Whether prima-facie the ingredients of the offences can be made out on the basis of allegations as they stand in the FIR or Charge Sheet and the significant interest of the public or the State and other similar considerations.

9. Keeping these principles in mind, let me proceed to decide the present petition.

10. Now turning to the factual scenario of the present case as can be discernible from the records of the case, Tekkalakote Police have registered the case against accused for the offences punishable U/Sec.109(1), 115(2), 118(1), 74, 49, 85, 352, R/w. Section 3(5) of Bharathiya Nyaya Sanhitha, 2023 and under Section 3 and 4 of Dowry Prohibition Act, 1961. It is the accusation made by the prosecution that accused No.1 to 4 in furtherance of their intention, abused the informant in filthy language, assaulted her with belt, club and other article, tried to press her neck with an intention to commit her murder, insisted her to bring additional dowry from her parental house, voluntarily caused hurt. Accused also abused and assaulted the mother of the informant, pushed her, outraged her modesty and thereby committed the alleged offences.

11. The alleged offences even though are non-bailable in nature, but not exclusively punishable with death or

imprisonment for life. In respect of offence punishable under Section 109 of BNS, 2023, though it is punishable with imprisonment for life, but not with the death penalty. Records reveal that the injury is not on the vital part of the body of the informant and it is not grievous. Therefore, conversion of the said offence into capital offence is ruled out at this juncture. As per the decision of Hon'ble High Court of Karnataka reported in **2017(1) AKR 244 (Laxman Adappa @ Durgappa Tappaladoddi and others v/s. State of Karnataka)** wherein it is held that if the injured has been discharged, anticipatory bail can be granted in respect of offence punishable under Section 307 of Indian Penal Code. Same analogy applies here.

12. In addition to this it is also clearly well settled legal principle that, granting of bail is a rule and rejection is an exception, considering the involvement of personal liberty of accused. Having regard to the fact that the informant had not sustained grievous injuries to any of the vital parts of his body, call for granting bail to accused. Apprehensions of the prosecution can be meted out by imposing reasonable conditions.

13. As per the decision of Hon'ble Supreme Court of India in catena of decisions, mere grant of bail does not prevent the investigating agency to proceed with the investigation and to

interrogate the accused if necessary. The bail order will not come in the way of the investigating agency to proceed with the investigation as per law. Even otherwise investigation can be proceeded without detaining the accused in custody.

14. In the present petition, accused persons have undertaken that they will not tamper with the prosecution witnesses. Considering all these aspects and totality of the circumstances, I am of the opinion that accused Nos.1 to 4 are entitled for bail subject to reasonable conditions, as keeping them in custody amounts to pre-trial conviction. Hence, I answer the Point No.1 in the Affirmative.

15. **Point No.2 :-** In the result, I proceed to pass the following :

ORDER

Petition filed by the petitioners/ accused Nos.1 to 4 **U/Sec.482 of Bharatiya Nagarika Suraksha Sanhita, 2023 is hereby allowed.**

Petitioners/accused No.1 to 4 in the event of their arrest in Crime No.41/2026 registered by Tekkalakote Police Station, Tekkalakote for the offences punishable U/Sec. 109(1), 115(2), 118(1), 74, 49, 85, 352, R/w. Section 3(5) of

Bharathiya Nyaya Sanhitha, 2023 and under Section 3 and 4 of Dowry Prohibition Act, 1961 shall be released on anticipatory bail on execution of personal bond for Rs.1,00,000 each along with one surety for like-sum to the satisfaction of the committal Court subject to following conditions:

1. Petitioners/accused Nos.1 to 4 shall mark their attendance before the concerned Police Station on every Thursday once in fortnight **between 10.00 a.m and 05.00 p.m,** till expiry of 90 days or till filing of the final report, whichever is earlier.
2. They shall appear before the Investigating Officer for the purpose of investigation/ interrogation as and when called for the purpose of investigation.
3. They shall not involve in any criminal activities.
4. They shall not directly or indirectly make any inducement, thereat or promise to any witnesses acquainted with the facts of the

case so as to dissuade him/her from disclosing such facts to the court or to any Police Officer.

5. They shall not obstruct or hamper the Police investigation and not to play mischief with the evidence collected or yet to be collected by the Police.

6. They shall regularly remain present during the trial and co-operate with the court to complete the trial for the above said offences.

7. They shall not leave India without prior permission of the trial Court/Committal Court.

If breach of any of the above conditions is committed, the prosecution is at liberty to seek for cancellation of anticipatory bail.

(Dictated to Stenographer directly on computer, typed by her, corrected and then pronounced by me in the open Court on this **15th day of July 2026**).

(GUDI VASUDEV RADHAKANT)
I/c. II ADDL. DISTRICT & SESSIONS JUDGE,
BALLARI.