

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.12637 OF 2026

(CNR No.HBHC010531042026)

DATE: 10.09.2026

Between :

Chandu Ghanala @ Kolla Gopichand and another.

... Petitioners-accused Nos.1 and 2

AND

The State of Telangana and another.

... Respondents

ORDER:

This Criminal Petition is filed under Section 482 of *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, 'BNSS'), seeking the relief of pre-arrest bail.

2. The petitioner is arrayed as accused Nos.1 and 2 in Crime No.165 of 2025 on the file of Kollapur Police Station, Nagarkurnool District, registered for the offence punishable under Section 109 read with 3(5) of *Bharatiya Nyaya Sanhita, 2023* (for short, 'BNS').

3. Heard Mr.R.Rajasekhar Rao, learned Counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent -State.

4.1. The prosecution case, in brief, is that on 23.12.2024, at about 12:30 p.m., the de facto complainant and his uncle were present at their agricultural land situated on the outskirts of Enmanbetla Village. At that time, the accused allegedly came to the said land for the purpose of lifting the stones that had been cut by the de facto complainant. It is alleged that the accused unnecessarily interfered with the complainant and his uncle and picked up a quarrel. When the de facto complainant questioned the accused as to why they were interfering with them, the petitioner/accused Nos.1 and 2 allegedly threatened to kill him.

4.2. It is further alleged that accused No.2 caught hold of the hand of the de facto complainant, while accused Nos.1, with a view to do away with his life, forcefully struck him on the head with a wooden stick, thereby caused injuries. On the intervention of the complainant's uncle and other persons present at the scene, the petitioners were allegedly prevented. Thereafter, the petitioners are stated to have again threatened the de facto complainant, stating that they would kill him at any time. Based on the said complaint, a crime came to be registered.

5.1. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the alleged offence. He further contends that, even if the allegations contained in the complaint are

taken at their face value, they do not disclose the ingredients necessary to constitute an offence under Section 109 of the BNS. It is further submitted that the dispute between the petitioners and the de facto complainant arose only in relation to the stone work and that, in fact, it was the de facto complainant who had assaulted the petitioners. According to the learned counsel, there was no other dispute or motive between the parties.

5.2. Learned counsel further submits that as the crime pertains to the year 2025, the investigation would have substantially progressed, however the petitioners apprehend their arrest and coercive action at the hands of the investigating agency, which is making efforts to secure their presence. He submits that the petitioners are ready and willing to cooperate with the investigation and to abide by any conditions that may be imposed by the Court. On these grounds, learned counsel for the petitioners prays that the petitioners be granted anticipatory bail.

6. Learned Additional Public Prosecutor opposed the bail petition, contending that there are specific allegations against the petitioners with regard to their involvement in the alleged assault upon the de facto complainant. However, fairly, learned Additional Public Prosecutor submits that the medical certificate issued by the Doctor records a laceration injury, which is simple in nature. It is further

submitted that, during the course of investigation, three witnesses have been examined and that the presence of the petitioners may be required for the purpose of custodial interrogation for an effective investigation. On these grounds, learned Additional Public Prosecutor prays for dismissal of the bail petition.

7. I have carefully considered the rival submissions and perused the materials on record.

8. The specific allegation against the petitioners is that they picked up a quarrel with the de facto complainant and assaulted him with a wooden stick. It is alleged that petitioner No.2/accused No.2 caught hold of the hands of the de facto complainant, while accused No.1 struck him on the head with the stick. Thus, specific overt acts are attributed to each of the petitioners.

9. It is well settled that, while considering an application for anticipatory bail under Section 482 of the BNSS, the Court is not required to undertake a meticulous appreciation of evidence or record conclusive findings on disputed questions of fact. The Court is required to make a prima facie assessment, having regard to the nature and gravity of the accusation, the specific role attributed to the accused, the possibility of fleeing from justice, repeating the offence, tampering with evidence or influencing witnesses, and the necessity of custodial interrogation. In *Gurbaksh Singh Sibbia v. State of Punjab*,

(1980) 2 SCC 565, the Hon'ble Supreme Court held that no rigid formula can be prescribed for granting anticipatory bail and that the Court must balance personal liberty with the legitimate requirements of investigation.

10. In the present case, though specific overt acts are attributed to the petitioners, the medical certificate discloses only a simple laceration injury. The petitioners have expressed their willingness to cooperate with the investigation and abide by any conditions imposed by the Court. No specific material has been placed before the Court demonstrating that their custodial interrogation is indispensable for an effective investigation. Mere apprehension of the investigating agency that custodial interrogation may be required, without demonstrating a specific necessity that cannot be met by securing the petitioners' cooperation, would not by itself warrant denial of anticipatory bail.

11. Having regard to these aspects, this Court is of the considered view that the petitioners have made out a case for grant of anticipatory bail, subject to appropriate conditions to ensure their cooperation with the investigation and to safeguard the interests of prosecution.

12. For the aforesaid reasons, this Criminal Petition is allowed, subject to following conditions.

(A) The petitioners/Accused Nos.1 and 2 shall surrender before the Station House Officer, Kollapur Police Station, Nagarekurnool District, on or before 25.09.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioners shall appear before the Investigating officer on every Saturday between 10.00AM to 03.00PM, for a period of ten (10) weeks from the date of their release on bail or until the filing of the final result, whichever is earlier.

(C) The petitioners shall remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(D) The petitioners shall furnish their complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(E) The petitioners shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall they tamper with the prosecution evidence in any manner whatsoever.

(F) The petitioners shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(G) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioners liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

13. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case. Miscellaneous applications, if any pending, shall stand closed.

Pending miscellaneous applications, if any, shall stand closed.

Date: 10.09.2026
mmr

N.TUKARAMJI, J

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.12637 OF 2026

DATE: 10.09.2026

mmr