

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.14306 OF 2026

(CNR No. HBHC010603242026)

DATE: 28.09.2026

Between :

Arikala Kumar and others.

... Petitioner-accused Nos.1 to 3.

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 petitioners are arrayed as accused Nos.1 to 3 in Crime No.204 of 2026 on the file of the Havelighanpur Police Station, Medak District, facing accusations under Sections 118(1), 115(2), 126(2), 352 read with 3(5) of *Bharathiya Nyaya Sanhitha, 2023* (for short 'BNS').

3. Heard Mr.Gundaram Manoj Goud, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent No.1-State.

4. The prosecution case, in brief, is that, against the backdrop of a land dispute, on 28.08.2026 at about 8:00 PM, while the de facto complainant's father was proceeding towards the village on a motorcycle, the petitioners/accused, along with the other accused, allegedly wrongfully restrained him and abused him in filthy language. In the course of the incident, petitioner/accused No.1 allegedly assaulted him on the head with an iron rod, while accused No.2 beat him with a stick and the other accused assaulted him with their hands, thereby causing bleeding injuries. On noticing the incident, when the mother of the de facto complainant intervened in an attempt to rescue her husband, accused No.1 allegedly assaulted her with the same iron rod, while accused No.2 also beat her. Based on the report lodged in respect of the incident, the crime came to be registered.

5.1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated owing to the subsisting land dispute between the parties. He further points out that the accused have also lodged a crime against the de facto complainant and others in respect of the very same incident. It is further contended that, initially, the crime was registered under Section 118(1) of the BNS and that all the other offences alleged against the petitioners were punishable with imprisonment of less than seven years. According to learned counsel, the provision of law was subsequently altered during the course of

investigation only with a view to deprive the petitioners of the benefit contemplated under Section 35(3) of the BNSS.

5.2. Learned counsel further submits that, even according to the prosecution case, the alleged hurt was not caused by means of a dangerous weapon and, therefore, the invocation of Section 118(2) of the BNS is improper. He asserts that the petitioners/accused Nos.1 to 3 have no involvement in the alleged occurrence in the manner projected by the prosecution. In any event, it is contended that the specific allegation of assault is primarily against petitioner/accused No.1, whereas the remaining accused, who are family members, have been implicated with an intention to settle the disputes pending between the two families. Learned counsel 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 the above grounds, he prays that the petitioners be granted anticipatory bail.

6. Learned Additional Public Prosecutor opposed the bail petition and submits that the allegations made in the complaint disclose the specific involvement of each of the accused in the occurrence. It is contended that accused No.1 used an iron rod and caused a fracture injury to the head of the victim, while the other accused participated in the incident by using sticks and assaulting the victim with their hands. He further submits that the investigation is still in progress and that the presence of

the petitioners, particularly petitioner No.1/accused No.1, is required for the proper and effective conduct of the investigation. On these grounds, learned Additional Public Prosecutor prayed for dismissal of the petition.

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

8. The jurisdiction under Section 482 of the BNSS, for grant of anticipatory bail is discretionary and is intended to safeguard personal liberty while ensuring a fair, effective and unhindered investigation. The power must, therefore, be exercised judicially, having regard to the facts and circumstances of each case, by balancing the fundamental right to personal liberty with the legitimate interests of the investigating agency. The relief cannot be granted as a matter of course or denied merely because the allegations are serious.

9. The principles governing anticipatory bail are well settled. In *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, the Constitution Bench held that such power is discretionary and must be exercised having regard to the facts of each case without imposing inflexible restrictions. In *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, the Supreme Court identified, inter alia, the nature and gravity of the accusation, the role attributed to the accused, antecedents, the possibility of fleeing from justice or repeating the offence, the likelihood of influencing witnesses or tampering with

evidence, and the effect of bail on a fair investigation as relevant considerations. Though custodial interrogation may be a relevant consideration, such requirement must be assessed with reference to the nature of the allegations, the material collected, the role attributed to the accused and the necessity of custody. Such consideration is necessarily tentative and cannot amount to a determination of guilt or innocence.

10. In the present case, the complaint contains specific allegations and attributes distinct overt acts to the accused. The medical material indicates that the victim sustained a fracture of the left parietal bone, which, according to the prosecution, is attributable to petitioner No.1/accused No.1, who is alleged to have used an iron rod. Whether the weapon, having regard to its nature and manner of use, attracts the relevant penal provision is a matter that need not be conclusively determined at this stage. An application for anticipatory bail is not a proceeding for a mini-trial, and disputed questions of fact and the ultimate evidentiary value of the materials are matters for investigation and the subsequent stages of the criminal proceedings.

11. Having regard, however, to the specific allegations against petitioner No.1, the nature of the injury, the alleged use of an iron rod, the stage of investigation and the prosecution's stated requirement of his custodial interrogation, his case stands on a different footing. This Court

is, therefore, of the considered view that petitioner No.1 does not merit the discretionary relief of anticipatory bail at this stage.

12. As regards petitioners Nos.2 and 3, though common intention has been attributed to them. However, their individual roles and the necessity for their custody must be considered independently, and parity cannot be applied mechanically merely because they are implicated in the same occurrence. Further, the material presently available does not demonstrate that their custodial interrogation is indispensable or that their release would impede the investigation, enable them to evade the process of law, influence witnesses or tamper with evidence. That apart, grant of anticipatory bail does not confer immunity from investigation, and the petitioners remain bound to cooperate with the investigating agency and comply with the conditions imposed by the Court.

13. Accordingly, having regard to the allegations against petitioners Nos.2 and 3, the absence of any demonstrated necessity for their custodial interrogation, and their undertaking to cooperate with the investigation, this Court is of the considered view that they are entitled to the protection of anticipatory bail, subject to their full cooperation with the investigation and the conditions stipulated hereunder.

14. Accordingly, petitioners Nos.2 and 3/accused Nos.2 and 3 are granted anticipatory bail, subject to following conditions.

(A) The petitioners Nos.2 and 3/accused Nos.2 and 3 shall surrender before the Station House Officer, Haveliganpur Police Station, Medak District, on or before 13.10.2026. 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 Tuesday and Saturday between 10.00AM to 03.00PM, for a period of twelve (12) 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.

15. 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.

16. In the result, the petition is partly allowed: the petition filed by Petitioner Nos.2 and 3/Accused Nos.2 and 3 is allowed, while the petition filed by Petitioner No.1/Accused No.1 is dismissed. Pending miscellaneous applications, if any, shall stand closed.

Date: 28.09.2026
mmr

N.TUKARAMJI, J

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

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