

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

THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.14634 of 2026

(CNR.No. HBHC010614822026)

DATE: 09.09.2026

BETWEEN:

B. Shiva Kumar @ Babulu

.....Petitioner-accused

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court at Hyderabad,
Through P.S. Hayathnagar.

.....Respondent-Complainant

ORDER

1. This Criminal Petition is filed under Sections 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') praying this Court to enlarge the petitioner-accused on bail in connection with S.C.POCSO.No.281 of 2025 on the file of the Court of Special Sessions Judge for Trial and Disposal of cases under Special Sessions Judge for Trial and Disposal of cases under POCSO Act, R.R. District, at L.B.Nagar, registered for the offences punishable under

Sections 76, 78, 118(1) of BNS and Sections 11 and 12 of POCSO Act, 2012.

2. Heard Sri Nallapu Manideep, learned counsel for the petitioner-accused and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

3. Learned counsel for the petitioner submits that the case is at the trial stage and there is no requirement for custodial interrogation of the petitioner-accused. SC was posted on 24.08.2026, petitioner-accused failed to appear before the learned Sessions Court thereby NBW came to be issued. On the same day, petitioner-accused has filed CrI.M.P.No.820 of 2026 under Section 70(2) of Cr.P.C to recall the NBW, the reason mentioned therein is that he could not appear before the learned Sessions Court due to heavy rain stuck in traffic. The recall application came to be dismissed on the same day. Petitioner-accused has filed CrI.M.P.No.834 of 2026 to enlarge him on bail in the SC. The said application also came to be dismissed vide order dated 02.09.2026.

4. Petitioner is shown as sole accused in S.C.POCSO.No.281 of 2025 for the offences under Sections

76, 78, 118(1) of BNS and Sections 11 and 12 of POCSO Act, 2012. SC was posted before the learned Sessions Court on 24.08.2026, on that day petitioner-accused was absent thereby learned Sessions Court has issued NBW.

5. Petitioner-accused has filed an application under Section 70(2) of Cr.P.C. vide CrI.M.P.No.820 of 2026 to recall the NBW issued by the learned Sessions Court stating that he was stuck in rain and traffic jam, the said application came to be dismissed by the learned Sessions Court on the same day.

6. On perusal of CrI.M.P.No.834 of 2026 it is stated in the petition that the absence of the petitioner-accused on 24.08.2024 is neither willful nor deliberate and he respects the process of the Court, undertakes to appear before the learned Sessions Court on each and every date of hearing.

7. Learned Sessions Court after hearing the petitioner counsel and the learned Additional Public Prosecutor has observed in the order that “the matter was posted to 03-07-2026 on costs and that on 03-07-2026 the accused remained absent. That on 13-07-2026, LWs 1 and 2 were present and they sought time. On 24-08-2026 LWs 1 and 3 were present

and the accused remained absent and as there was no representation, NBW was issued against the accused. Though petition to recall the NBW is filed, the same was dismissed observing that when LWs 1 and 3 were present and case is taken up for the evidence, the accused remained absent and there was no representation on his behalf. It is to be mentioned that the evidence of witnesses who were present before the Court could not be taken up because of absence of the petitioner/accused. It is not explained as to what is the unavoidable circumstance which prevented the accused to be present before the Court on 24-08-2026”.

8. This Court is conscious of the facts that the petitioner is facing charges under Sections 76, 78, 118(1) of BNS and Sections 11 and 12 of POCSO Act, 2012.

9. Petitioner-accused has stated the reasons in CrI.M.P.No.820 of 2026 for his non appearance before the learned Sessions Court as he was stuck in traffic due to heavy rains. The learned Sessions Court ought to have considered the contentions raised by the petitioner-accused and this Court is of the view that the learned Sessions Court ought to

have allowed the application in CrI.M.P.No.834 of 2026 instead of dismissed the application.

10. Since the petitioner-accused has undertaken to appear before the learned Sessions Court as and when the case is posted, this Court is of the view that the petitioner-accused is entitled to be enlarged on bail, subject to the following conditions:

- i. The petitioner-accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned trial Court/Remand Court.
- ii. The petitioner-accused shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.
- iii. Petitioner-accused shall make his appearance before the learned Sessions Court as and when the case is posted, in exigency dispense application can be filed by the counsel who is appearing before the learned trial Court.
- iv. It is made clear that if any of the conditions imposed by this Court are violated, the prosecution is at liberty to

file an application for cancellation of the
bail.

11. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand
closed.

Date: 09.09.2026
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B.R.MADHUSUDHAN RAO, J

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