

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CrI.P.No.3044 of 2024

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
17.	28.04.2026	<u>SKS, J</u> <u>I.A.No.1 of 2026</u> <u>In</u> <u>I.A.No.2 of 2025</u> <u>In</u> <u>CrI.P.No.3044 of 2024</u> Having satisfied with the reasons mentioned in the accompanying affidavit, this Interlocutory Application is ordered. Registry is directed to carryout necessary amendments. <u>I.A.No.2 of 2025</u> This Interlocutory Application is filed with a prayer to relax condition No.iv i.e., The petitioner herein shall not enter into State of Andhra Pradesh where almost all the witnesses in the present case are residing, without permission of the trial Court. Heard Sri E. Uma Maheshwar Rao, learned counsel representing Smt. Mytri Indukuru, learned counsel appearing on behalf of the petitioner and Sri Srinivas Kapatia, learned Special Public	

	Prosecutor for CBI appearing on behalf of respondent No.1 and Sri S. Goutham, learned counsel appearing on behalf of respondent No.3-State. Learned counsel for the petitioner submitted that the present application is filed seeking permanent relaxation of Condition No. (iv) imposed while granting bail, which restrains the petitioner from entering the State of Andhra Pradesh without permission of the trial Court. He further submitted that the petitioner has strictly complied with all bail conditions and has never misused the liberty granted to him. The petitioner, aged about 75 years, has been unable to visit his native place at Pulivendula or spend time with his family since his arrest, and could not attend important family occasions, including funerals of close relatives, causing severe emotional hardship. He contended that he has recently undergone serious medical procedures, including gall bladder and prostate surgeries, and at his advanced age requires the support of family and familiar surroundings for recovery and that the restriction has deprived him	
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		of his agricultural livelihood and caused financial distress. He further submitted that the charge sheet and supplementary charge sheets have already been filed, the trial has not progressed substantially, no charges have yet been framed, and with numerous witnesses and voluminous records, commencement of trial is not likely soon. The case against the petitioner is stated to be based only on circumstantial evidence, with no witness directly implicating him, and therefore the apprehension of witness tampering is unfounded. He further argued that the political circumstances referred to in the bail order have changed and any alleged possibility of influence no longer survives. Counsel submitted that whenever temporary relaxation was earlier granted, the petitioner complied with all conditions without any violation, and therefore the continued restriction is unnecessary, harsh and arbitrary. The petitioner undertakes to appear on every hearing date and abide by any further conditions imposed by this Court. Therefore, he prayed the Court to relax the condition No.iv by allowing this Interlocutory	
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		Application. On the other hand, learned counsel for respondent No.3 submitted that the application seeking relaxation of bail Condition No. (iv), restraining Accused No.7 from entering Andhra Pradesh without trial Court permission, ought not to be allowed without hearing the State, as almost all witnesses reside there and Pulivendula falls within its jurisdiction. He further submitted that while granting bail, this Court had considered the serious allegations, suspicious circumstances, deaths of witnesses, and the influential status of accused No.7. He contended that even recently a crucial witness had died under suspicious circumstances, requiring police inquiry. The petitioner alleged that attempts were earlier made to influence and threaten approver Shaikh Dastagiri through associates of the accused, and that the Hon'ble Supreme Court had considered the role of the State of Andhra Pradesh in connected proceedings. He further contended that false criminal cases were allegedly filed against the complainant side and investigating officer to	
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	intimidate the victim's family and interfere with the investigation. Considering the influence of the accused and continuing apprehension of witness intimidation, prayed the Court to dismiss this Interlocutory Application. Perused the contents of the affidavit filed in support of the petition. Upon hearing the submissions of the learned counsel on either side and upon perusal of the material available on record, it appears that Condition No. (iv) restraining the petitioner from entering the State of Andhra Pradesh without permission of the trial Court was imposed by a Co-ordinate Bench vide order dated 03.05.2024. It is not in dispute that for nearly two years, the petitioner has complied with all the conditions imposed while granting bail and there are no allegations placed on record by the respondents regarding violation of any of the said conditions. It is also to be noted that the petitioner is an elderly person aged about 72 years, stated to be an agriculturist, having deep roots in his native place	
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		at Pulivendula, where he has spent a substantial part of his life. The material on record does not disclose any instance, subsequent to the grant of bail, wherein the petitioner has attempted to threaten witnesses, tamper with evidence, or interfere with the investigation or trial process. Though the learned counsel for the respondents has expressed apprehension that permitting the petitioner to enter the State of Andhra Pradesh may result in influencing or intimidating witnesses, such apprehension appears to be general in nature and not supported by any concrete material indicating any post-bail misconduct on the part of the petitioner. It is also relevant to note that certain incidents, such as the death of a witness or hostility of witnesses, are stated to have occurred prior to the grant of bail and cannot, in the absence of any subsequent conduct, be a sole ground to continue the restriction indefinitely. Further, as rightly contended by the learned counsel for the petitioner, on the date of transfer of	
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	the case to the CBI Court, the petitioner was not arrayed as an accused, and there are no specific allegations that after being enlarged on bail, he has misused the liberty granted to him. Accordingly, this Court deems it fit to relax Condition No. (iv), subject to conditions to ensure that the petitioner does not, in any manner, interfere with the administration of justice. The relaxation of Condition No. (iv) is granted subject to the following conditions: i. The petitioner shall not, directly or indirectly, contact, communicate, influence, threaten, or induce any of the prosecution witnesses, including the de facto complainant. ii. The petitioner shall appear before the trial Court on every date of hearing without fail and cooperate with the trial proceedings. iii. The petitioner shall not involve himself in any criminal activity. iv. In the event of any complaint or material indicating that the petitioner has attempted to	
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		influence witnesses or interfere with the trial, the prosecution/de facto complainant shall be at liberty to seek cancellation of bail, and this order of relaxation shall stand liable to be recalled. <u>SKS, J</u> SAI	
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