

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.11099 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.02 of 2025 of CID, TG, Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 09.06.2025, Sri Dharam Guruva Reddy, General Secretary of the Telangana Cricket Association, filed a complaint alleging that the President of the Hyderabad Cricket Association (HCA), Jagan Mohan Rao, had forged signatures to illegally gain entry into Sri Chakra Cricket Club and contest the HCA elections held in October 2023. He also alleged that Jagan Mohan Rao was ineligible to hold the presidency due to a conflict of interest. The Office Bearers of the Apex Council were accused of awarding catering contracts for major cricket events without following proper tender procedures, resulting in misappropriation of funds. Specific financial irregularities included misuse of funds in plumbing

materials, air conditioners, electrical materials, banquet services, and clothing purchases amounting to crores of rupees, without maintaining proper records. Previous complaints had been lodged with various government agencies, but no adequate action was taken. The complainant requested the registration of a criminal case and legal action against the accused.

3. Heard Sri M. Sharath Chandra Reddy, learned counsel appearing on behalf of the petitioner as well as Sri Palle Nageshwar Rao, learned Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the trial Court passed the impugned orders without considering the violation of the petitioner's fundamental rights under Articles 21 and 22 of the Constitution, though specific issues were raised, and that the respondent gave contradictory versions about the date, time, and place of arrest, yet the petitioner was remanded without verifying the same and that the investigation was conducted under the repealed Cr.P.C even though the complaint was registered

on 09.06.2025 after BNSS came into force, which violated the petitioner's right to life and liberty. He also submitted that the DGP's circular was not followed, that grounds of arrest were not communicated in writing either to the petitioner or to his family, and that reasons for arrest or remand reports could not substitute written grounds.

5. Learned counsel for the petitioner further submitted that the trial Court wrongly observed that procedural lapses could not stop investigation, whereas such lapses had a direct bearing on constitutional rights and that the petitioner was arrested under a non-existing provision of Cr.P.C instead of BNSS, and though these violations were raised, the trial Court ignored them. He further submitted that after police custody ended on 14.07.2025, investigation was completed, all evidence was documentary, and there was no scope for tampering or influencing witnesses. He further submitted that the allegation of mismanagement of HCA funds was disputed by the BCCI in W.P.No.27896 of 2024, showing that no public or economic offence was involved, and also that the complainant had no locus as

only members of the society could file such a complaint as per law.

6. Learned counsel for the petitioner contended that the petitioner, being on the same footing as accused Nos.3 and 4 who were already granted bail, was entitled to bail on grounds of parity, and even accused facing more serious charges were granted bail and that the petitioner was a senior citizen suffering from chronic hypertension, cardiac and cerebral problems, requiring immediate specialized treatment. He further contended that the petitioner, as Secretary of HCA, was not a public servant or agent and hence Section 409 IPC was not applicable; other alleged offences were below seven years and that BCCI, which funds HCA, never filed any complaint against the petitioner, and the allegation that he was not competent to be Secretary was already rejected by BCCI in 2021 by a speaking order. He further submitted that Rule 40 of HCA requires any complaint of misappropriation to be made before the Ombudsman, which was not followed.

7. In support of his submissions, he relied upon the judgments of the Hon'ble Supreme Court and various High Courts in **Robert John D'Souza and others v. Stephen v. Gomes and another**¹, **Delhi Race Club (1940) Limited and others v. State of Uttar Pradesh and another**², **Vihaan Kumar v. State of Haryana and another**³, **Prabir Purkayastha v. State (NCT of Delhi)**⁴, **Arun Kumar v. The State of Karnataka**⁵, **Deepu and others v. State of UP and others**⁶, **Sandeep Kumar v. State**⁷, **Sanjay Chandra v. Central Bureau of Investigation**⁸, **Satender Kumar Antil v. Central Bureau of Investigation and another**⁹, **Zee Telefilms Ltd and another v. Union of India and another**¹⁰. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

8. On the other hand, learned Additional Public Prosecutor filed counter affidavit stating that the petitioner

¹ (2015) 9 SCC 96

² (2024) 10 SCC 690

³ (2025) 5 SCC 799

⁴ (2024) 8 SCC 254

⁵ Crl.P.No.200913 of 2024

⁶ 2024 SCC OnLine All 4289

⁷ 2019 SCC Online Del 11901

⁸ (2012) 1 SCC 40

⁹ (2022) 10 SCC 51

¹⁰ (2005) 4 SCC 649

was deliberately evading arrest for 16 days, travelled across several States, and was finally caught in a Pune hotel at midnight, which clearly showed his guilt and fear of law and that during interrogation the petitioner confessed to his role in collusion with other accused in manipulating tenders, inflating rates for supplies like cricket balls, uniforms, A/Cs, barricades and contracts, illegally signing cheques, and swindling crores of rupees of HCA funds with others. He further submitted that the petitioner was accused of indulging in embezzlement, benami transactions, illegal appointments of coaches and selectors, and misuse of BCCI funds and that the petitioner, being highly influential, could intimidate witnesses, tamper with evidence, and flee again if released on bail, as he had already absconded earlier.

9. Learned Public Prosecutor contended that Section 409 IPC applied since the petitioner committed criminal breach of trust with common intention, punishable with life imprisonment, and his financial irregularities were still under investigation and that the CID followed due procedure, complied with DGP's circular, informed family about grounds of arrest, and followed proper interstate

arrest protocol before producing the petitioner in court and that there was any violation of Articles 21 and 22, and it was argued that minor procedural lapses, if any, would not vitiate the investigation. He contended that petitioner's past involvement in an ACB case, his long misuse of HCA's loopholes, and ongoing inquiries into his properties. It was further submitted that the complainant had locus to file the case as any person aware of a cognizable offence could report it, and in this case the complainant was President of Telangana Cricket Association. Therefore, he prayed the Court to dismiss the criminal petition.

10. Upon hearing the submissions of the learned counsel for both parties and upon perusal of the material on record, it appears that the petitioner has been in judicial custody since 25.07.2025, which includes seven (7) days of police custody. The primary contention of the learned counsel for the petitioner is that Section 409 IPC is not applicable. According to the prosecution, the petitioner acted as an agent and, therefore, Section 409 IPC is attracted, whereas the contention of the petitioner is that the BCCI itself has clarified that the Hyderabad Cricket Association (HCA) is an

autonomous body, and hence, there exists no principal-agent relationship between HCA and BCCI. Though there is a dispute with regard to the applicability of Section 409 IPC, this Court is of the view that the same is not required to be decided at this stage. Further, except the offence under Section 409 of IPC, all other alleged offences are punishable with imprisonment of less than seven years. The petitioner has been in custody for nearly fifty (50) days, and all the other co-accused have already been enlarged on bail. Although the learned Additional Public Prosecutor has argued that the petitioner, being a central figure, may tamper with the evidence or influence witnesses if released on bail, it is to be noted that the petitioner has already been suspended from the office of Secretary, HCA, and therefore, he no longer holds the position or influence to interfere with either documentary or oral evidence.

11. Moreover, the Investigating Officer has already examined eighteen (18) witnesses and most of the evidence has been collected. In such circumstances, the continued incarceration of the petitioner, this Court deems it just and

proper to grant bail to the petitioner, subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one Lakh only) with two sureties for a like sum each to the satisfaction of the learned Principal Junior Civil Judge – cum – Judicial Magistrate of First Class, Medchal-Malkajgiri District at Malkajgiri.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).
- iv. The petitioner shall not tamper with, threaten, influence, or intimidate any

witnesses, including those examined and yet to be examined by the Investigating Officer.

- v. The petitioner shall not, directly or indirectly, communicate or make any attempt to contact the complainant, the General Secretary of the Telangana Cricket Association, or any prosecution witnesses.
- vi. The petitioner shall not enter into the office of the Hyderabad Cricket Association (HCA) stadium, the Telangana Cricket Association office, or any other cricket stadiums or premises connected with the investigation.
- vii. The petitioner shall surrender his passport before the concerned trial Court, if any, and shall not leave the jurisdiction of the Court without prior permission.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 04.09.2025
SAI

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