

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13897 OF 2025

23.12.2025

Between :

Zubair Ali

... Petitioner/defacto
complainant

And

The State of Telangana,
Rep., by its Public Prosecutor,
High Court for the State of Telangana
At Hyderabad & four others

... Respondents

ORDER

This criminal petition is filed under Section 483(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner/defacto complainant seeking cancellation of anticipatory bail granted in CrI.P.No.10121 of 2025 dated 14.08.2025 to respondent Nos.2 to 5/A.1 to A.4 in Cr.No.1167 of 2025 of Narsingi Police Station for the offences under Section under Section 109 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri J.Sai Vamshi, learned counsel for the petitioner/defacto complainant, Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for respondent No.1-State and Sri B. Bal Reddy, learned counsel appearing for respondent Nos.2 to 5/A.1 to A.4.

3. The contention of learned counsel for the petitioner herein is that A.1 and A.2 are the local corporators, along with other accused and antisocial elements continuously trying to trespass into the subject land against which two previous complaints were filed. The offence alleged under Section 109 of BNS is grave and non-bailable offence involving violent assault with deadly weapons which was not considered and further A.3 and A.4 are again involved in similar offence which is also registered by the police vide Cr.No.1952 of 2025 on 09.10.2025 for the similar offence. Further, the accused are trying to influence the witnesses and also trying to threaten the defacto complainant and witnesses and the said acts amounts to grave abuse of concession of bail in view of the judgment in **Raghubir Singh V State of Bihar**¹ and **Puran V Rambilas**², wherein it was held that misuse of liberty and interference with investigation are valid grounds for cancellation of bail. The continuing conduct

¹ (1986) 4 SCC 481

² (2001) 6 SCC 338

of respondent Nos.2 to 5 amounts to abuse of process of law and this Court erroneously recorded that petitioner No.3 therein had filed complaint first against the defacto complainant. He further contended that earlier petitioner herein filed two complaints against the accused and the respondent-police are deliberately acting under the influence of accused being the corporators had recorded the petitioner's complaint much after the complaint of accused. As such, requested this Court to cancel the bail granted to the accused.

4. On the other hand, respondent Nos.2 to 5/A.1 to A.4 filed counter stating that A.1 to A.4 did not commit any crime against complainant and his brother who are stated to be advocates of this Court. A.3 purchased Plot No.310 in Sy.No.15/3, admeasuring 60 Sq yards from B.Padma and on 16.06.2025 at about 2.00 p.m., when A.3 was carrying out construction work, one Ravi @ Painter Ravi along with Adil and his friend came to the said plot and abused A.3 in filthy language and threatened him that if he would not vacate the said plot, he would kill him. Further, they beat him with their legs and hands and gave fist blows on his neck for which he reported the same to the police and case was registered. It is further stated that petitioner herein and his brother who are

stated to be Advocates absolutely have no personal interest in the subject property. However, they colluded with Ravi a local person and trying to grab the property of A.3 and after considering all the facts only, this Court granted anticipatory bail and petitioner herein is mis-representing the judgments of Apex Court to suit his convenience. It is further stated that this Court cannot review its own judgment and for the same, the petitioner has to approach the Apex Court. As such, prayed this Court to dismiss this petition.

5. Considering the submissions made and the material on record, the first contention of petitioner is that this Court without considering the fact that inspite of severe allegations against the accused, granted anticipatory bail. If petitioner wants to challenge the bail order on merits, it is not by the same Court. This Court cannot review bail order as there is no review available in criminal case and further ground that A.3 and A.4 have committed similar offence and case was registered vide FIR No.1952 of 2025 on 09.10.2025 i.e., subsequent to granting of anticipatory bail. A perusal of the said FIR shows that with similar allegations, case was registered against A.3 and A.4 who are A.1 and A.4 in the second crime. As this Court granted anticipatory bail, accused has to obey the conditions imposed

by the Court and shall not commit the offences but on the same allegations, again another FIR was registered against respondent Nos.4 and 5/A.3 and A.4. Considering the same, this Criminal Petition is partly allowed cancelling the bail granted to respondent Nos.4 and 5/A.3 and A.4 in CrI.P.No.10121 of 2025 on 14.08.2025, who are arrayed as A.1 and A.4 in FIR No.1952 of 2025 dated 09.10.2025. However, criminal petition in respect of respondent Nos.2 and 3/A.1 and A.2 is dismissed.

6. Accordingly, this Criminal Petition is partly allowed. Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.12.2025

Rds

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Rds