

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

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15460 of 2025

10th DAY OF DECEMBER 2025

Between:

Vangari Venkatesh,
And another.

PETITIONERS

The State of Telangana,
Rep by Public Prosecutor,
High Court for the State of
Telangana, at Hyderabad.

RESPONDENT

ORDER

This Criminal Petition is filed before this Court for grant of pre-arrest bail to the petitioners who are arrayed as accused Nos.1 and 4 in Crime No.685 of 2025 before the Sanathnagar Police Station, registered for the offences punishable under Sections 118(1), 118(2), 115(2), 352 of BNS, and Sections 3(i)(s)(r) of SC/ST (POA) Act.

2. The brief facts of the case are that on 02.11.2025 at about 16:30 hours, the police received a petition from Sri Gottikala Joseph Kiritan, who stated that earlier the same day around 11:00 hours he had scheduled a meeting at Kabeer Nagar regarding drainage, the committee

hall, and renovation of the Pochamma Talli temple, but some persons, namely Felyaz, Imamunias, Kamalakar Yadav, Vinay Kumar and others, asked him to cancel it, and he accordingly did so. Later, he received a phone call from Mohd. Ayyub asking him to come to a particular place, and when he went there, the accused persons—1) Vangari Venkatesh, 2) Posani Varaprasad, 3) Mohd. Ayyub, 4) Niraj Kumar Dube, and 5) Kosani Prabhu Mudiraj, abused him in filthy language, assaulted him with sticks and hands causing two of his teeth to break and bleeding from his mouth, and Venkatesh and Varaprasad also abused him by taking his caste.

3. Heard Sri G.Jithendar Reddy, learned counsel for petitioners, and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioners submitted that the de facto complainant was a Christian by birth, as shown by documents and photographs, and that being so, the SC/ST (POA) Act provisions were not attracted. He contended that the complainant falsely claimed Scheduled Caste status and lodged a fabricated complaint to harass the petitioners and to grab petitioner No.2's land. He asserted that the FIR was mechanically registered, and that Section 118(2) BNS was wrongly added only to aggravate the case, and that the allegations were vague, unsupported, and inconsistent, especially since photographs taken on

15-11-2025 showed the complainant with no injuries. He averred that the complainant had a history of land grabbing and earlier assaulted petitioner No.2, for which a prior complaint existed. He asserted that the petitioners were innocent, law-abiding citizens, petitioner No.1 being physically handicapped, and that their continued implication would harm their reputation. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the allegations leveled against the petitioners are of serious nature, and that the matter requires investigation. Therefore, he prayed the Court to dismiss the criminal petition.

6. Having considered the submissions made by both sides and on perusal of the material on record, it is noted that the primary contention of learned counsel for petitioners is that the offence punishable under Section 118(2) of BNS does not attract as there is no averment regarding the weapon used and merely stating that grievous injuries are sustained, cannot be a sufficient ground to attract the said offence. Further, the other contention is with reference to de facto complainant not being an SC as on the date of registration of crime due to which the offence punishable under Sections 3(i)(s)(r) of SC/ST (POA) Act could not be attracted.

7. On perusing the averments meticulously, it is noted that the learned Additional Public Prosecutor, filed the caste certificate of de facto complainant which is of the year 2016 wherein it is mentioned that he is an SC, therefore, it can be held that there is no force in the said contention of learned counsel for petitioners. That apart, to attract offence punishable under Section 118(2) it is seen that there is mention regarding stick and hands being used by accused, whereas, in the medical certificate, it is mentioned that weapon used is hand. That being so, it can be said that there are specific allegations against accused No.1 who is petitioner No.1 who had abused the de facto complainant in the name of caste and beat him. However, it is seen that there is no such mention as much as petitioner No.1 who is accused No.4 is concerned. Therefore, this Court is of the opinion to grant the relief of anticipatory bail only insofar as petitioner No.2/accused No.4 is concerned. It is made clear that there are no merits in the case insofar as petitioner No.1/accused No.1 is concerned.

8. In view thereof, this Court deems it fit to grant anticipatory bail to petitioner No.2/accused No.4, subject to the following conditions.:

- i. The petitioner No.2 shall surrender before the Station House Officer, Sanathnagar Police Station, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner No.2 on bail on him executing

a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for the like sum each.

- ii. The petitioner No.2 shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation and thereafter, as and when required.
- iii. The petitioner No.2 shall abide by the other conditions stipulated in Section 482(2) of BNSS and co-operate with the Investigating Officer in investigating the case.

9. Accordingly, this Criminal Petition is partly allowed.

Miscellaneous petitions, if any, pending shall stand closed.

Date : 10.12.2025
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K. SUJANA, J

THE HON'BLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15460 OF 2025

DATE :10.12.2025

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