

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16146 of 2025

DATE: 23.12.2025

BETWEEN:

Narla Sri Vidya

.....petitioner/accused

And

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

.....Respondent/complainant

ORDER

This Criminal Petition is filed praying this Court to enlarge the petitioner on bail who is arrayed as accused on default bail in Crime No.1275 of 2025 before the L.B. Nagar Police Station, Rachakonda Commissionerate.

2. The brief facts of the case are that the petitioner was arrayed as accused No.68 in Crime No.1275 of 2019 of Miyapur Police Station, and was secured on a PT warrant and remanded to judicial custody on 14.08.2025. It was stated that she remained in judicial custody continuously and that more than 90 days were completed by 14.11.2025. It was admitted that within the statutory period neither a charge-sheet was filed nor a valid application for extension of time supported by a reasoned report of the Public Prosecutor was placed before the Court, even though the custody later exceeded 100 days.

3. Heard Sri T. Rahul, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated and that an indefeasible right to default bail had accrued in her favour due to the failure of the prosecution to comply with Section 43D of the UAPA read with Section 187 of BNSS. He contended that the belated filing of an extension application without a Public Prosecutor's

report, even after filing of the default bail application, could not defeat the statutory right of the petitioner. In support of his submissions, he placed reliance upon the judgment of the Hon'ble Supreme Court in **Sayed Mohd. Ahmad Kazmi v. State (NCT of Delhi)**¹, wherein it held that upon expiry of the statutory period for investigation, if neither the charge-sheet nor a valid extension application supported by a reasoned report of the Public Prosecutor is filed, an indefeasible right to default bail accrues in favour of the accused. Therefore, he prayed the Court to grant bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioner was involved in a grave and serious case registered under the UAPA and the Telangana State Public Security Act. He further submitted that the case pertained to unlawful activities of the banned CPI (Maoist) organisation and that the petitioner was an active member connected with senior Maoist leaders and that incriminating electronic gadgets and Maoist literature were seized during the investigation. He submitted that the investigation was still in progress and that the petitioner's custodial interrogation was

¹ (2012) 12 SCC 1

necessary to uncover the wider conspiracy and inter-state network. He contended that the petitioner was influential and that her release on bail would pose a threat to public order and national security. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. In the light of the submissions made by both the learned counsel and upon a careful perusal of the material placed on record, the core issue that arises for consideration is whether the petitioner is entitled to statutory/default bail owing to the failure of the prosecution to comply with the mandatory requirements under Section 43-D(2) of the Unlawful Activities (Prevention) Act, 1967, read with Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. It is not in dispute that the petitioner was remanded to judicial custody on 25.07.2025 and has remained in custody thereafter. It is further an admitted fact that even upon completion of 90 days of judicial custody, and up to 112 days (and later 129 days), the investigating agency neither filed the charge-sheet nor submitted any application seeking extension of time for investigation supported by a reasoned report of the

Public Prosecutor, as mandatorily required under Section 43-D(2)(b) of the UAPA.

8. Section 43-D(2) of the UAPA permits extension of the period of investigation beyond 90 days up to 180 days only upon the Public Prosecutor submitting a report indicating the progress of investigation and furnishing specific reasons justifying further detention of the accused. Such an application must be filed within the initial statutory period. The requirement is not procedural but substantive in nature, and strict compliance is mandatory.

9. The Hon'ble Supreme Court, in **Sayed Mohd. Ahmad Kazmi** (cited supra), has categorically held that upon expiry of the statutory period prescribed for investigation, if neither a charge-sheet nor a valid application for extension supported by the report of the Public Prosecutor is filed, an indefeasible right to default bail accrues in favour of the accused. The Apex Court further held that such a right cannot be defeated by filing a belated application for extension or charge-sheet after the accused has availed of the right by filing an application for default bail, nor can the Court grant extension retrospectively.

10. In the present case, the record clearly reveals that the petitioner filed the application for default bail after expiry of the statutory period of 90 days, and only thereafter did the prosecution choose to file an application seeking extension of time for investigation. Such an application, having been filed subsequent to the accrual of the statutory right and during the pendency of the default bail application, cannot curtail or extinguish the indefeasible right already vested in the petitioner.

11. It is the specific contention of the learned Additional Public Prosecutor that the seriousness of the allegations, involvement in unlawful activities, and concerns relating to public order and national security should weigh against the grant of bail, though noted, cannot override the statutory mandate. The Hon'ble Supreme Court has consistently held that considerations of gravity of offence or societal impact are irrelevant while deciding an application for default bail, as the right flows from legislative command and not from judicial discretion.

12. The failure on the part of the prosecution to act with due diligence in complying with the mandatory statutory

requirements cannot be permitted to prejudice the fundamental right to personal liberty of the accused guaranteed under Article 21 of the Constitution of India. Therefore, this Court is of the considered view that the trial Court committed an error in entertaining and allowing the belated extension application filed by the prosecution after the default bail application had already been moved by the petitioner. Therefore, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned I Additional District Judge-cum-Sessions Judge, Ranga Reddy District at L.B. Nagar.
- 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 leave the State of Telangana without prior permission of the trial Court.
- v. The petitioner shall surrender her passport, if any, before the trial Court within 48 hours from the date of release. If no passport is held, she shall file an affidavit to that effect.
- vi. The petitioner shall not directly or indirectly associate with, communicate with, or visit any person connected with banned organizations, including CPI (Maoist), or indulge in any activities prejudicial to national security.
- vii. The petitioner shall not use any encrypted communication platforms, or anonymous electronic communication tools, and shall provide her active mobile numbers to the Investigating Officer, which shall not be changed without prior intimation.
- viii. The petitioner shall not tamper with evidence or influence, threaten or

induce any prosecution witness in any manner whatsoever.

- ix. The petitioner shall co-operate with the investigation and make herself available for interrogation as and when required by the Investigating Agency.
- x. The petitioner shall furnish her residential address and any subsequent change of residence shall be intimated in writing to the concerned SHO and the trial Court.
- xi. The petitioner shall maintain peace and good behaviour during the pendency of the investigation and trial, failing which the prosecution is at liberty to seek cancellation of bail.

13. Accordingly, this Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.12.2025
SAI

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