

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16232 of 2025

DATE: 22.12.2025

BETWEEN:

Gatla Shivarani and others

.....petitioners/accused Nos.3 to 5

And

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

.....Respondent/complainant

ORDER

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.3 to 5 in Crime No.202 of 2025 before the

Jangoan Police Station, Warangal District, registered for the offences punishable under Section 108 BNS and Section 3(2)(v) of the SC/ST Act.

2. The brief facts of the case are that the case arose out of a telugu written complaint dated 19-04-2025 lodged by the complainant stating that his son had poured petrol on himself and set himself on fire on 19-04-2025 at about 2.00 a.m., was admitted to MGM Hospital, and later succumbed to burn injuries on 25.04.2025. Initially, a case in Crime No.202 of 2025 was registered under Section 194 BNSS. Subsequently, based on an alleged dying declaration said to have been received on 10.07.2025, nearly two and a half months after the death, the Investigating Officer filed an alteration memo on 07.10.2025, altering the section of law to Section 108 BNS and Section 3(2)(v) of the SC/ST Act, alleging abetment to suicide by the in-laws of the deceased.

3. Heard Sri G. Sundaresan, 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 petitioners were falsely implicated and that the allegations were vague, omnibus, and did not disclose any specific overt acts or ingredients of abetment under Section 45 or Section 108 BNS and that the petitioners were residing separately, had no direct interaction with the deceased, and there was no instigation or aiding alleged against them. He further submitted that one of the petitioners had recently delivered a child and was under medical bed rest, another petitioner was attending to her, and the third petitioner was an aged woman suffering from old-age ailments and that the police, after altering the sections, were attempting to arrest the petitioners despite completion of the investigation. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the allegations leveled against the petitioners are serious in nature. Further, the investigation was not yet completed. Therefore, at this stage, granting of

pre-arrest bail to the petitioners does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by the learned counsel on both sides and upon a perusal of the material available on record, it appears that the main allegation against the petitioners is of abetment to suicide, based on a dying declaration said to have been received nearly two and a half months after the death of the deceased. The complaint and the material on record do not disclose any specific overt acts or direct instigation attributable to petitioner Nos.1 and 3, and it is also not disputed that petitioner No.1 is a woman who has recently delivered a child and is having a 40-day-old infant, while petitioner No.3 is an aged woman of about 70 years suffering from age-related ailments. Having regard to their personal circumstances, this Court deems it fit to grant pre-arrest bail to petitioner Nos.1 and 3, subject to the following conditions:

- i. The petitioner Nos.1 and 3/accused Nos.3 and 5 shall surrender before the Station House Officer, Janagaon Police Station, Warangal District, within two weeks from today, and on such

surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/-, each, with two sureties, for the like sum each.

- ii. The petitioner Nos.1 and 3/accused Nos.3 and 5 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner Nos.1 and 3/accused Nos.3 and 5 shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., for a period of eight weeks or till the filing of the charge sheet, whichever is earlier and thereafter, as and when required.

7. However, insofar as petitioner No.2 is concerned, the allegations disclose prima facie material attracting the offence under Section 108 of BNS read with Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act. In view of the statutory bar contained under Section 18 of the SC/ST Act and the law laid down by the Hon'ble Supreme Court in **Kiran v.**

Rajkumar Jivraj Jain and another¹, wherein it was held that when the allegations in the complaint prima facie disclose the commission of offences under the SC/ST Act, pre-arrest bail is not maintainable, this Court is not inclined to grant pre-arrest bail to petitioner No.2. Further, the investigation is still in progress and custodial interrogation of petitioner No.2 may be necessary.

8. Accordingly, this Criminal Petition is allowed in part.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 22.12.2025
SAI

¹ 2025 LiveLaw (SC) 869

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