

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2084 of 2026

DATE: 20.02.2026

BETWEEN:

Pilot Rohith Reddy and others

.....petitioners/accused Nos.1 to 9

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.1 to 9 in Crime No.50 of 2026 before the

Tandur Town Police Station, Vikarabad District, registered for the offences punishable under Section 223, 132, 126(2) read with 189(2), 352 and 121(1) of the Bharatiya Nyaya Sanhita.

2. The brief facts of the case are that on 13.02.2026, a Telugu typed complaint was received from Sri Sharif, PC No.11336 of P.S. Tandur, Vikarabad District, stating that as per the orders of the SHO, Tandur, he along with other police staff was deputed for bandobust duty in connection with the Tandur Municipal Election counting. On the same day at about 17:00 hours, in front of St. Marks School, Tandur, the accused persons had allegedly assembled unlawfully without prior permission and obstructed public movement, and despite being informed about the prohibitory orders under Section 163 BNSS (earlier Section 144 Cr.P.C.), they did not disperse and obstructed the police in discharge of their duties.

3. Heard Sri T.S. Anirudh Reddy, learned counsel appearing on behalf of the petitioners as well as Sri Pale Nageswar Rao, learned Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioners submitted that during the municipal election counting at Tandur, the petitioners had merely questioned the authorities as to how the sitting MLA and his supporters were permitted inside the counting booths despite prohibitory orders, and that they neither entered the booths nor obstructed public servants in discharge of their duties. He contended that the police, without justification, restrained and used force against the petitioners, who were peacefully seeking an explanation, and that the allegations under Sections 223, 132, and 126 of the BNS were not attracted in the absence of any unlawful assembly, assault, criminal force, or wrongful restraint. He further submitted that the petitioners were falsely implicated out of political vendetta and that the essential ingredients of the alleged offences were not made out. Therefore, he prayed the Court to grant pre-arrest bail to the petitioners by allowing this Criminal Petition or to direct the Police to serve notice under Section 35(3) of BNSS.

5. On the other hand, learned Public Prosecutor opposed the petition and submitted that the petitioners had unlawfully assembled near the counting centre in violation of the

prohibitory orders under Section 163 BNSS and had attempted to enter the premises without permission, during which accused No.1 abused and pushed the Inspector of Police and assaulted another Sub-Inspector while they were discharging their official duties. He contended that the accused thereafter obstructed traffic by staging a protest on the highway and that serious offences under Sections 223, 132, 126(2) read with 189(2), 352 and 121(1) of the BNS were attracted, and the investigation was still in progress. He further submitted that accused No.1 and other accused had criminal antecedents and that the petitioners had directly approached the High Court without first moving the Sessions Court in view of the law laid down by the Hon'ble Supreme Court in **Mohammed Rasal C. & Another v. State of Kerala & Another**¹.

6. In light of the submissions made by the learned counsel on either side and upon perusal of the material available on record, it is evident that the petitioners are arrayed as accused Nos.1 to 9 and the offences alleged against them are under Sections 223, 132, 126(2) read with 189(2), 352 and

¹ 2025 LiveLaw (SC) 884

121(1) of the BNS. The primary contention of the learned counsel for the petitioners was that, in view of the bar under Section 163 of the BNSS, the complaint ought to have been filed by the concerned public servant before the jurisdictional Magistrate and that registration of the crime based on a police report was not maintainable. However, the learned Additional Public Prosecutor submitted that appropriate steps would be taken to delete the said provision, as the case is at nascent stage of investigation. It is also not in dispute that the offences alleged are punishable with imprisonment below seven years.

7. The learned Additional Public Prosecutor opposed the petition on the ground of previous cases registered against some of the petitioners, whereas those crimes mainly pertaining to the year 2017, and also relied upon the judgment of the Hon'ble Supreme Court in **Mohammed Rasal C. & Another v. State of Kerala & Another**, contending that the petitioners ought to have first approached the Sessions Court. However, it is brought to the notice of this Court that the said issue has been referred to a larger Bench and has not attained finality.

8. Considering the nature of allegations, the fact that the witnesses are public officials, and that custodial interrogation of the petitioners is not shown to be indispensable at this stage, this Court deems it appropriate to grant anticipatory bail to the petitioners subject to the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Tandur Town Police Station, Vikarabad 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 petitioners 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 petitioners 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 (8) weeks or till the filing of the charge

sheet, whichever is earlier and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 20.02.2026
SAI

K. SUJANA, J

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