

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3769 of 2026

DATE: 26.03.2026

Between:

Rithish Gaddam

.... Petitioner/
Accused

AND

The State of Telangana,
Rep. by its Public Prosecutor,
High Court 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 petitioner, who is arrayed as accused in connection with Crime No.35 of 2026 of Nallabelli Police Station, Warangal District, registered for the offences punishable under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC ST POA Act.

2. The brief facts of the case are that, on 03.03.2026 the *de-facto* complainant, lodged a report before the police stating that he had received a missed call alert from the mobile number 8331991554. At about 22:12 hours, he returned the call and spoke on speaker mode. The caller identified himself as the petitioner. During the conversation, the petitioner allegedly abused the complainant in the name of caste. Along with him, Masampelli Akhil Kumar and Mekala Anil also heard the conversation. As the petitioner repeatedly insulted his caste, the complainant recorded the entire conversation as evidence. Hence, he requested the police to take necessary action. Based on this report, a case was registered against the accused for the alleged offences.

3. Heard Sri Rachakonda Praveen Kumar, learned counsel appearing on behalf of the petitioner, and Sri M. Ramachandra Reddy, learned Additional Public Prosecutor appearing on behalf of the respondent–State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the allegations and, even if the contents of the complaint are accepted, no offence is attracted since the

alleged conversation took place between the petitioner and the *de-facto* complainant over a phone call, which was not in public view in view of the judgment of the Hon'ble Supreme Court in **Kiran v. RajKumar Jivraj Jain & Anr.**¹. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing the present Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions, contending that the allegations against the petitioner are punishable under the provisions of the SC/ST (Prevention of Atrocities) Act. He argued that although the conversation occurred between the parties, it was heard by others as it was on speaker mode, thereby amounting to public view. He therefore prayed for dismissal of the Criminal Petition. However, he informed the Court that notice had been served on the victim.

6. In light of the submissions made by both learned counsel, and upon perusal of the material available on record, it is evident that the petitioner is implicated in the present case on the ground that he abused the *de-facto* complainant in the name of his caste. Considering these allegations and, *prima*

¹ 2025 LiveLaw (SC)869

facie, in view of the judgment of the Hon'ble Supreme Court relied upon by the learned counsel for the petitioner, no offence under Section 3(1)(r) of the SC/ST Act is applicable. Taking into account the overall facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioner – Accused, subject to specific conditions imposed by the court.

- i. The petitioner shall surrender before the Station House Officer, Nallabelli Police Station, Warangal District within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner 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 shall appear before the concerned Investigating Officer on every Wednesday between 09:00 a.m, and 05:00 p.m. for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 26.03.2026
SS

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