

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3858 of 2026

DATE: 06.04.2026

BETWEEN:

S.M. Khaleelulla

.....petitioner/accused No.2

And

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

.....Respondent/complainant

ORDER

This Criminal Petition is filed praying this Court to
enlarge the petitioner on bail, who is arrayed as accused No.2
in Crime No.22 of 2026 before the Bijinapally Police Station,

Nagarkurnool District, registered for the offences punishable under Sections 103(1) read with 3(5) of BNS.

2. The brief facts of the case are that the case arises out of a complaint lodged on 29.01.2026 by the wife of the deceased stating that, on the same day at about 3:00 PM, her husband went to their agricultural field at Karkonda Village, and at about 5:00 PM, due to an existing land dispute, the accused persons picked up a quarrel with him. It is alleged that Accused No.1 attacked the deceased with an axe on his head and face, while accused No.2 (petitioner) caught hold of the deceased, facilitating the assault. The injured was shifted to the Government Hospital, Nagarkurnool, where he later succumbed to injuries. Initially, a case was registered under Sections 109(1) r/w 3(5) BNS and subsequently altered to Section 103(1) BNS. The petitioner was arrested on 30.01.2026 and is in judicial custody.

3. Heard Sri N. Bhavani Shankar, learned counsel appearing on behalf of the petitioner as well as Sri M. Ramachandra Reddy, learned Additional Public Prosecutor appearing on behalf of the respondent – State and Sri P.

Swamy, learned counsel appearing on behalf of respondent No.2.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated and has not committed any offence and that even as per the prosecution case, the overt act of causing fatal injuries is attributed only to accused No.1, and the role of the petitioner is limited to allegedly holding the deceased, which does not attract the same degree of culpability. He further submitted that the petitioner is an agriculturist, a permanent resident having deep roots in society, and there is no likelihood of absconding. 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 and the learned counsel for respondent No.2, respectively, opposed the petition contending that the offence is grave in nature, involving a brutal attack leading to the death of the deceased. They submitted that the petitioner actively participated in the commission of the offence by holding the deceased, thereby enabling Accused No.1 to inflict fatal

injuries, and hence shares common intention and that the investigation is still in progress and releasing the petitioner at this stage may hamper the investigation and influence witnesses. Therefore, at this stage, granting of bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both sides and on perusal of the record, it appears that the petitioner is in jail since 30.01.2026. The main allegation of causing fatal injuries is against accused No.1, while the role attributed to the petitioner is only that he allegedly caught hold of the deceased. The said role is comparatively limited in nature and does not indicate direct involvement in the fatal assault. Further, it is brought on record that there exists a case and counter case arising out of the same incident, which indicates a mutual dispute between the parties. Considering the facts and circumstances of the case and the incarceration period of the petitioner, 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 II Additional Judicial Magistrate of First Class, Nagarkurnool, District.
- 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).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 08.04.2026
SAI

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.3858 of 2026

Date: 06.04.2026

SAI