

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

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.4367 of 2026

DATE: 30.03.2026

Between:

Dr.Konda Srinivasulu and
two others.

...Petitioner/A.1 to A.3

AND

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

.... Respondents

ORDER

This Criminal Petition is filed under Sections 480 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/Accused Nos.1 to 3 seeking to enlarge them on bail in connection with Crime No.47 of 2026 on the file of Kollapur Police Station, Nagarkurnool District, , registered for the offences punishable under Section 294, 87, 88, 65 (1) of the BNS and 5 (1) read with 6 and 21 of the POCSO Act, 2021 and Section 3 (4)(a) read with 5 of the Medical Termination of Pregnancy Act, 1971.

2. Heard Sri N.Naveen Kumar, learned counsel for the petitioners-accused Nos.1 to 3, and Sri M.Ramachandra

Reddy, learned Additional Public Prosecutor, appearing for the respondent-State.

3. The case of the prosecution is that the *de facto* complainant lodged a written report before police on 07.03.2026, wherein it is stated that the victim girl is studying 7th class at Kollapur School. During that period, the JCL used to follow the victim girl at bus stand area and got acquaintance with her and used to meet her and chit chat with her. Further, JCL has found the instagram account of the victim girl and used to send messages and accordingly on 24.11.2024 he sent proposal message to her instagram ID and also regularly sent message for acceptance of his love. On his delusive words, the victim girl accepted his love. It is stated that on 17.06.2025, he took the victim to his house on his motorcycle and participated sexual intercourse with her on several occasions by showing nude videos, due to which she missed periods. She got the vomiting and informed the same to JCL. The JCL took the victim girl to the hospital of the accused and met A.1. As per the instructions of A.1, A.2 and A.3 done medical test to the victim girl and confirmed that she was conceived. Then A.1 has instructed to get abortion to the victim girl and A.2 and A.3 to do abortion.

Accordingly A.2 has given Anawin heavy injection to the victim girl and thereby all the accused committed the offence. Hence, she requested the police to take necessary action against the said complaint. Basing on the same, police registered a case for the aforesaid offences.

4. Learned counsel for the petitioners-accused Nos.1 to 3 would submit that the petitioners are innocent of the offences alleged against them; that there is no material collected by the prosecution to prove that A.1 to A.3 performed abortion to the victim girl; that the offences alleged against the petitioners are bailable offences and in spite of the same, the learned trial court remanded the petitioners to the judicial custody and also refused to grant bail to the petitioners under the guise the offence under Section 5 (1) read with 6 of the POCSO Act is applicable to the petitioners; that the remand report itself shows that the petitioners herein are remanded to judicial custody for the offence under Section 88 of the BNS and Sections 21 of POCSO Act, 2021 and Section 3 (4)(a) read with 5 of the Medical Termination of the Pregnancy Act, 1971. He further submits that the remand report of the petitioners shows that the initially the

Investigating Authority trying to serve the notice under Section 23 (3) of the BNSS to the petitioners for two times as the petitioners refused to received the said notice, the petitioners were remanded to judicial custody. Learned counsel further submits that in fact, no notice under Section 25 (3) of the BNSS was issued to the petitioners, the arrest of the petitioners itself is illegal, as such requested the Court to grant regular bail to the petitioners as the petitioners are in judicial custody since 11.03.2026.

5. On the other hand, learned Additional Public Prosecutor opposed the same and submits that the offences alleged against the petitioners are heinous in nature as the petitioners are not cooperating with the Investigating Authority and hence, they were remanded to judicial custody; there is no illegality in the remand order as the investigation is not yet completed and hence, the petitioners are not entitled for regular bail and hence, he prays to dismiss the bail application.

6. Considering the submissions made by learned counsel for both the parties and the material on record, though the offence under Section 5 (1) read with 6 of the POCSO Act, 2012 is not against these petitioners, the trial

Court recorded a finding, the petitioners herein are approached before this Court as it was subsequently added and taking into consideration the incarceration of the petitioners in judicial custody from 11.03.2026, this Court deems it fit to grant regular bail to the petitioners/accused Nos.1 to 3 subject to the following conditions:

- (i) The petitioners-Accused No.1 to 3 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 Principal Sessions Judge, Nagarkurnool.
- (ii) On such release, the petitioners-accused Nos.1 to 3 shall appear before the concerned SHO between 11:00 a.m. and 5:00 p.m., on every Wednesday 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.
- (iii) The petitioners-Accused Nos.1 to 3 shall abide by the conditions stipulated in Section 437 (3) of Cr.P.C. (presently, Section 480 (3) of BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

K. SUJANA, J

Date: 30.03.2026

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