

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.5312 OF 2026

DATE : 21.04.2026

BETWEEN:

Mohd. Ali @ Khaled

.....Petitioner/A.2

And

The State of Telangana,
Rep., by its Public Prosecutor,
High Court for the State of Telangana,
Through P.S.Mirchowk,
Hyderabad.

.....Respondent/Complainant

: ORDER :

This Criminal Petition is filed under Section 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying this Court to enlarge the petitioner on bail who is arrayed as accused No.2 in S.C.No.35 of 2019 on the file of II Additional Sessions Judge, Hyderabad. The offences alleged against the petitioner are under Sections 452, 307, 324, 323 r/w.34 of Indian Penal Code and Section 25(1)(a) of Indian Arms Act.

2. The brief facts of the case are that on 19.05.2008, L.W.1, Osman Bin Salam, lodged a report against the accused persons alleging that they attacked him and his family members with knives with an intention to kill them. Based on the said report, a case was registered for the offences punishable under Sections 452, 307, 324 read with Section 34 of the Indian Penal Code and Section 25(1)(A) of the Arms Act, 1959. After completion of investigation, the police of P.S Mirchowk filed a charge sheet against Accused Nos.1 and 2, which was taken on file as P.R.C. No.193 of 2010 for the said offences and later committed to the Court of Sessions. The learned Sessions Court took cognizance of the offences, numbered the case as S.C. No.35 of 2019, and proceeded with the trial. During the pendency of case, proceedings against A.1 stood abated. Subsequently, due to the non-appearance of petitioner-A.2, the trial Court issued a Non-Bailable Warrant on 05.10.2021 and thereafter initiated proceedings under Sections 82 and 83 of the Code of Criminal Procedure, 1973 and the police executed the NBW against the petitioner on 25.03.2026 and remanded him to judicial custody.

3. Heard Sri Veera Babu Gandu, 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. The learned counsel for the petitioner contended that the complainant has adopted illegal methods and that the case has been fabricated with an intention to blackmail and harass the petitioner/A.2. It is further contended that though the nature of the alleged incident is simple and the injuries sustained are simple in nature, the Court has wrongly taken cognizance for the offence under Section 307 of the Indian Penal Code, which is stated to be illegal and unsustainable. It is also submitted that the offences punishable under Sections 452, 307, 324, 323 read with Section 34 of the Indian Penal Code and Section 25(1)(a) of the Arms Act, 1959 are not attracted to the facts of the present case. He also contended that the dispute arose out of a family matter, which has unnecessarily been given a criminal colour, and the petitioner has been falsely implicated. Hence, prayed this Court to grant bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail contending that due to non-appearance of the petitioner, the proceedings are stalled and the matter is at the stage of framing of charges. The NBW was issued on 05.10.2021 and since then the petitioner was absconding and after making serious efforts petitioner got arrested and if he is released on bail again he may abscond and threaten the

witnesses and trial could not be completed. Hence, petitioner is not entitled to bail and prayed to dismiss this petition.

6. Considering the submissions made by both the counsel and the material placed on record, the petitioner was remanded to custody on execution of NBW issued by the trial Court on 05.10.2021 and thereafter, petitioner herein filed two recall applications but the same were dismissed by the trial Court. Further the contention of learned counsel for the petitioner is that the case is posted for framing of charges and for completion of trial it may take considerable time. Considering the said contention, this Court deems it appropriate to grant bail to the petitioner subject to the following conditions :

- i. The petitioner shall execute a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties for a like sum each to the satisfaction of the II-Additional Sessions Judge, at Hyderabad.
- ii. The petitioner shall appear before the concerned SHO between 09.00 a.m and 5.00 p.m., on every Monday 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 petitioner shall abide by the conditions stipulated in Section 483(2) of the BNSS.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

Date :21.04.2026
Rds

K. SUJANA, J

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