

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

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.7864 OF 2026

Date : 21.05.2026

Between:

Priya Roy and 4 others

...Petitioners/Accused Nos.1 to 5

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court.

...Respondent/Complainant

:: ORDER ::

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'BNSS') seeking enlargement of the petitioners on bail, who are arrayed as accused Nos.1 to 5 in Crime No.148 of 2026 on the file of Allapur Police Station, Sangareddy District. The offences alleged against the petitioners are punishable under Sections 318(4), 308(2), 144(2) and 62 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri S. Chandrashekhar Yadav, learned counsel appearing on behalf of the petitioners and Sri D. Arun Kumar,

learned Additional Public Prosecutor appearing on behalf of the respondent-State.

3. Learned counsel for the petitioners submits that Crime No.148 of 2026, dated 28.03.2026, of Allapur Police Station, Cyberabad District, was registered against the petitioners for the offences punishable under Sections 318(4), 308(2), 144(2) and 62 read with Section 3(5) of the BNS. He would further submit that, except Section 62 of the BNS, all other offences are bailable in nature and carry punishment of less than seven years' imprisonment, thereby squarely attracting the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹. According to the learned counsel for the petitioners, Section 62 of the BNS has been invoked only with a view to send the petitioners to judicial custody.

4. Section 62 of the BNS is extracted hereunder for kind perusal :

“Whoever attempts to commit an offence punishable by this Sanhita with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Sanhita for the punishment of such attempt, be punished

¹ (2014) 8 SCC 273

with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.”

5. Learned counsel for the petitioners further submits that the petitioners have been falsely implicated in the above crime and were remanded to judicial custody on 28.03.2026. He submits that the investigation is still pending and the petitioners cannot be kept in judicial custody indefinitely. It is further submitted that all the petitioners are women and are eking out their livelihood by working in Hyderabad.

6. Learned counsel further submits that, as per Section 187(3) of the BNSS, the investigating agency is entitled to complete the investigation within a period of 90 days where the offence is punishable with death, life imprisonment or imprisonment for a term not less than ten years. He further submits that considerable time has already been elapsed and the petitioners were remanded to judicial custody. Learned counsel also brought to the notice of this Court that accused No.10 in the very same crime was granted bail by a learned Single Judge of this Court in CrI.P. No.7232 of 2026. Therefore, the case of the present petitioners also stands on

similar footing and they are entitled to be enlarged on bail on the ground of parity.

7. Per contra, learned Additional Public Prosecutor submits that Crime No.148 of 2026 is still under investigation and that the truth or otherwise of the allegations can only be elicited upon completion of investigation and filing of the charge sheet. He would further contend that the applicability or otherwise of Section 62 of the BNS is a matter to be considered by the trial Court at the appropriate stage. Hence, he prayed for dismissal of the present Criminal Petition.

8. This Court, having heard the learned counsel appearing for the respective parties and upon perusal of the material available on record, it is evident that the petitioners had earlier approached the learned III Additional District and Sessions Judge, Medchal-Malkajgiri District at Kukatpally, by filing CrI.M.P. Nos.219 and 223 of 2026 respectively seeking bail in Crime No.148 of 2026 and the same were dismissed by the orders dated 07.05.2026 on the ground that the offences alleged are grave in nature.

9. *Prima facie*, this Court is of the view that, except Section 62 of the BNS, all other offences alleged against the petitioners are punishable with imprisonment of less than seven years. Further, the petitioners have been in judicial custody since 28.03.2026 and

considerable time has elapsed thereafter. The investigation is still pending and the status thereof is not placed before this Court. In the absence of filing of the charge sheet and having regard to the facts and circumstances of the case, this Court deems it appropriate to enlarge the petitioners on bail by imposing the following conditions:

- i. The petitioners shall execute personal bonds 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 Magistrate concerned.
- ii. The petitioners shall appear before the Investigating Officer, Allapur Police Station on every Friday and Monday between 10:00 a.m. and 02:00 p.m., until charge sheet is filed and also as and when their presence is required.
- iii. The petitioners shall file an affidavit before the concerned Magistrate stating that they do not possess passports.
- iv. The petitioners shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.
- v. The petitioners shall not hamper the investigation or tamper with the prosecution evidence in any manner.
- vi. The petitioners shall abide by the conditions stipulated under Section 480(3) of the BNSS.

vii. In the event of breach of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.

10. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 21.05.2026
TMK/EDS

E.V.VENUGOPAL, J

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