

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8215 OF 2026

DATE : 18.06.2026

Between:

Kanakam Uma Mahesh

...Petitioner

AND

The State of Telangana

...Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as accused No.1 in FIR No.423 of 2026 on the file of Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Sections 204, 308(5), 127(7), 140(2) read with Section 3(5) of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr. M.Pratheek Reddy, learned counsel appearing for the petitioner and Mr.M.Vivekananda Reddy, the learned Assistant Public Prosecutor representing the respondent-State.

4.1. Learned counsel appearing for the petitioner submits that the petitioner, who is the brother of accused No.2, has been implicated in the

present crime solely on the basis of an alleged confessional statement said to have been made by a co-accused, wherein a reference was made to a person named "Mahesh". It is contended that except for the said reference, there is no other material to establish either the petitioner's presence at the place of occurrence much less his participation in the alleged incident, or his involvement in any conspiracy relating thereto. He would further submit that the de facto complainant himself has sworn to an affidavit clarifying that the reference to "Mahesh" contained in the statements recorded during investigation was never intended to denote the present petitioner. It is further pleaded that during the relevant period, when the alleged incident is stated to have taken place, the petitioner was carrying on his Solar Energy business at Khammam and had remained there throughout the month of May.

4.2. Learned counsel argues that in the absence of any specific overt act, incriminating circumstance, or legally admissible material connecting the petitioner with the commission of the alleged offences, his continued implication in the criminal proceedings would cause serious prejudice to his reputation, liberty and livelihood. It is further submitted that the petitioner is a permanent resident having roots in society, is willing to cooperate with the investigating agency, shall appear before the Investigating Officer as and when required, and undertakes to abide by

any condition that may be imposed by this Court. On these submissions, learned counsel seeks the extraordinary protection of pre-arrest bail.

5. Per contra, the learned Assistant Public Prosecutor opposed the application contending that the investigation is still at a nascent stage and that custodial interrogation of the petitioner cannot be ruled out at this juncture. It is submitted that accused No.2, during the course of investigation, allegedly stated that the petitioner had assured assistance in relation to the commission of the acts complained of. However, fairly concedes that a reading of First Information Report and the complaint lodged by the de facto complainant do not attribute any specific overt act of the petitioner in occurrence, nor do they disclose his direct participation in the alleged occurrence. It is further submitted that grant of anticipatory bail at this stage may impede the ongoing investigation and prejudice the prosecution case. On the aforesaid grounds, dismissal of the petition is sought.

6. I have considered the rival submissions advanced at the Bar and carefully perused the material on record.

7. The gravamen of the accusation is that the accused persons, by impersonating public servants, exploited the fear of illegal detention and kidnapping entertained by the de facto complainant and thereby participated in acts allegedly constituting kidnapping, assault, extortion

and criminal conspiracy. However, insofar as the present petitioner is concerned, the material presently placed before the Court reveals only that accused No.2 is alleged to have stated that the petitioner would render help. Significantly, no other accused person is shown to have referred to the petitioner in their statements recorded during investigation, nor has any independent witness or material been brought on record to prima facie establish his complicity.

8. The petitioner has also raised a plea of alibi by asserting that he was carrying on his business activities at Khammam during the relevant period. It is trite that a plea of alibi is essentially a matter of defence and evidence to be established during trial and ordinarily does not warrant an elaborate adjudication at the stage of consideration of an application for anticipatory bail. Nevertheless, while this Court is not expected to undertake a meticulous appreciation of the defence, the conspicuous absence of prima facie material connecting the petitioner with the alleged crime is a relevant circumstance which cannot be altogether ignored while assessing the necessity for custodial interrogation.

9. The principles governing the exercise of jurisdiction in matters relating to anticipatory bail are no longer *res integra*. In *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, a Constitution Bench of the Hon'ble Supreme Court authoritatively held that the power to grant

anticipatory bail constitutes an important device to secure individual liberty against the possibility of arbitrary arrest and unjustified detention. The Court observed that such power, though extraordinary in character, is intended to advance the constitutional guarantee of personal liberty and must be exercised judiciously, keeping in view the peculiar facts and circumstances of each case.

10. Tested on the touchstone of the aforesaid principles, this Court finds that the material presently available does not disclose any specific allegation warranting custodial interrogation of the petitioner. Except for the alleged statement attributed to accused No.2, there is no independent material presently brought on record to prima facie establish the petitioner's involvement in the commission of the alleged offences. The petitioner has unequivocally expressed his willingness to cooperate with the investigation, to appear before the Investigating Officer as and when called upon, and to comply with any condition imposed by this Court. There is also no material indicating that he is likely to abscond, evade the due process of law or obstruct the progress of investigation.

11. Having regard to the nature of the accusations, the limited material presently available against the petitioner, the absence of circumstances demonstrating the indispensability of custodial interrogation, and bearing in mind the need to strike a delicate balance between the interest of an

effective investigation and the cherished right to personal liberty guaranteed under Article 21 of the Constitution of India, this Court is of the considered opinion that this is a fit case for grant of anticipatory bail, subject to certain conditions to ensure his continued cooperation with the investigating agency.

12. Accordingly, the Criminal Petition is allowed. The petitioner shall be enlarged on anticipatory bail in the event of their arrest, subject to the following conditions:

(A) The petitioner/Accused No.6 shall surrender before the Station House Officer, Banjara Hills Police Station, Hyderabad on or before 03.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioner shall appear before the Investigating officer on every Friday between 02:00 p.m. and 05:00 p.m. for a period of twelve (12) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioner shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

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CHS

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