

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

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.9153 OF 2026

DATE : 30.06.2026

Between:

Conday Swarnalatha

...Petitioner/Accused No.3

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 the accused No.3 in FIR No.397 of 2026 on the file of Alwal Police Station, Malkajgiri, registered for the offences punishable under Sections 64(2)(f), 64(2)(m), 329(4), 351(3), 45 and 3(5) *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr.K.Balakrishna, learned counsel for the petitioner and Mr.Syed Yasar Mahmood, the learned Additional Public Prosecutor representing the respondent-State.

4. The prosecution case, in brief, is that accused No.1, who is the brother-in-law of the victim, allegedly subjected the victim to sexual exploitation by taking undue advantage of the domestic relationship existing between them. It is further alleged that accused No.2, who is the husband of the victim, and the present petitioner, being the mother of accused Nos.1 and 2, despite having knowledge of the acts allegedly committed by accused No.1, intentionally aided and abetted the commission of the offences. Based on the complaint lodged by the victim, the police registered the crime.

5. Learned counsel appearing for the petitioner submits that, even according to the prosecution case, the alleged incident pertains to the year 2024; however, the First Information Report came to be lodged after an unexplained delay of approximately 817 days. It is further contended that the petitioner is an elderly lady suffering from age-related ailments and that the prosecution material does not disclose any specific overt act attributable to her, except a vague and omnibus allegation that she aided and abetted the principal accused. It is argued that the allegations are general in nature and do not prima facie satisfy the essential ingredients constituting the offence of abetment. Learned counsel further submits that the petitioner undertakes to cooperate with the Investigating Officer as and when required, and is willing to abide by any condition that may be

imposed by this Court. Therefore, it is prayed for grant of anticipatory bail.

6. Per contra, learned Additional Public Prosecutor opposes the petition and submits that the allegations against the petitioner are specific insofar as they attribute knowledge of the commission of the offence and active support extended to accused No.1. It is contended that the petitioner has remained unavailable for investigation, thereby impeding the progress of the investigation. Learned Additional Public Prosecutor further submits that the Court below, upon due consideration of the gravity of the allegations, has rejected the petitioner's application for anticipatory bail and that no subsequent change in circumstances has been demonstrated warranting interference by this Court. Accordingly, it is prayed that the petition be dismissed.

7. I have considered the rival submissions and carefully perused the material available on record.

8. The allegation against the present petitioner is confined to the assertion that she aided and abetted accused No.1 in the commission of the alleged offences. At this stage of investigation, no specific allegation disclosing any overt act, direct participation, or positive conduct on the part of the petitioner has been brought on record,

except the general assertion that she had knowledge of the incident and extended support to the principal accused.

9. The power to grant anticipatory bail under Section 482 of the BNSS, is intended to safeguard the fundamental right to personal liberty, while simultaneously ensuring a fair and effective investigation. The exercise of such discretion necessarily depends upon the facts and circumstances of each case, taking into consideration, inter alia, the nature and gravity of the accusation, the specific role attributed to the accused, the necessity for custodial interrogation, the likelihood of the accused fleeing from justice, or tampering with the prosecution evidence or influencing witnesses.

10. In the instant case, this Court cannot lose sight of the fact that the complaint has been lodged after an inordinate delay of approximately 817 days, the explanation whereof is a matter to be examined during the course of investigation and trial. Although delay, by itself, may not be fatal in cases involving sexual offences, particularly where the victim may have legitimate reasons for not approaching the authorities immediately, it nevertheless remains a relevant circumstance while considering a prayer for anticipatory bail, especially when the allegations against the petitioner are confined to alleged abetment and are not supported by any specific overt act.

11. Having regard to the totality of the circumstances, namely, (i) the absence of any specific material disclosing active participation or a distinct overt act on the part of the petitioner; (ii) the general nature of the allegation of abetment; (iii) the petitioner's advanced age and stated medical condition; (iv) her expressed willingness to cooperate with the investigation; and (v) the absence of any material indicating that she is likely to abscond, tamper with the prosecution evidence, influence witnesses, or evade the process of law, this Court is of the considered opinion that no compelling necessity has been demonstrated by the prosecution requiring custodial interrogation of the petitioner.

12. Accordingly, without expressing any opinion on the merits of the case, and considering that the object of anticipatory bail is to secure the liberty of an accused while ensuring an unhindered investigation, this Court is satisfied that the petitioner has made out a fit case for positively considering the prayer for grant of anticipatory bail, subject to conditions, to secure the interests of a fair investigation.

13. Accordingly, the Criminal Petition is allowed. The petitioner shall be enlarged on anticipatory bail, subject to the following conditions:

(A) The petitioner/Accused No.3 shall surrender before the Station House Officer, Alwal Police Station, Malkajgiri on 14.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him on bail on execution of 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 said officer.

(B) The petitioner shall appear before the Investigating officer as and when required for the purpose of the investigation and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential address 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.

(E) The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioner liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

14. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date: 30.06.2026

mmr

46

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.9153 OF 2026

DATE : 30.06.2026

mmr